Third Edition

Police Field Operations

THEORY MEETS PRACTICE

Michael L. Birzer | Cliff Roberson

Third Edition

Police Field Operations

Theory Meets Practice

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Printer Binder: LSC Communications, Inc.
Cover Printer: Lehigh-Phoenix Color
Text Font: Times LT Pro

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Library of Congress Cataloging-in-Publication Data

Names: Birzer, Michael L., | Roberson, Cliff, author.
Title: Police field operations: theory meets practice / Michael L. Birzer,
Wichita State University, Cliff Roberson, California State University,
Fresno (Retired), Professor Emeritus, Washburn University.
Description: Third Edition. | New York: Pearson, [2018] | Revised edition of
the authors' Police field operations, [2015] | Includes bibliographical references and index.
Identifiers: LCCN 2018031150 | ISBN 9780135186299
Subjects: LCSH: Police patrol—United States. | Community policing—United States.
Classification: LCC HV8080.P2 B57 2018 | DDC 363.2/30973—dc23
LC record available at https://lccn.loc.gov/2018031150

1 18

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ISBN 13: 978-0-13-518629-9
ISBN 10: 0-13-518629-3

To the two greatest joys in my life, my loving wife, Gwynne, and my son, Michael, Jr.

—Michael L. Birzer

To Elena Azaola

—Cliff Roberson

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Brief Contents

PREFACE xxi

Chapter 1 The Police Career 1

Chapter 2 Police Patrol: The Backbone of Policing 24

Chapter 3 Police Field Procedures 59

Chapter 4 Police Operations in a Community Policing Environment 102

Chapter 5 The Crime Scene and Preliminary Investigation 136

Chapter 6 Interviewing and Interrogation 175

Chapter 7 Handling Calls for Service 210

Chapter 8 Police Traffic Functions 243

Chapter 9 Ethics and Police Misconduct 263

Chapter 10 Police Reports and Communication 286

Chapter 11 Gangs and Drugs 314

Chapter 12 Police Operations in Culturally Diverse Communities 348

Chapter 13 Crime Mapping and Analysis 381

Chapter 14 Handling Terrorism and Natural Disasters 402

Chapter 15 Legal Constraints on Police Operations 433

GLOSSARY 467

INDEX 474

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Contents

PREFACE xxi

Chapter 1 **The Police Career 1**

Introduction 2
From Warriors to Guardians 3
President's Task Force Report 4
Police Recruitment 5
Targeted Recruitment 7
Recruiting Females 7
Police Selection 8
Qualities Desired in Police Officers 8
Written Exam 11
Physical Ability Testing 11
Polygraph Testing 12
Oral Interview 12
Psychological Assessment 12
Background Investigation 12
Brady/Giglio Issues 13
Medical and Drug Screening 13
Academy Training 14
Field Training 15
In-Service Training 15
Rising in Rank 15
Police Detective 16
Police Corporal 16
Police Sergeant 16
Police Lieutenant 17
Police Captain 17
Beyond Captain 18
Deputy Police Chief 18
Police Chief 18
Occupational Stress 18
Shift Work and Stress 19
Causes of Officer Stress and Fatigue 20
Stress Prevention and Reduction 21
Summary 21
Classroom Discussion Questions and Activities 22
Chapter References 22

Chapter 2 **Police Patrol: The Backbone of Policing 24**

Introduction 25

A Sketch of the Police 25

Development of Police Patrol 28
- The English Influence 28
- The Political Era 31
- The Reform Era 31
- Community Policing Era 33

The Purpose of Police Patrol 36
- Crime Control 36
- Crime Prevention 37
- Landlord Training 38
- Neighborhood Watch 38
- National Night Out 39
- Neighborhood Nuisance Program 39
- Problem Solving 39
- Traffic Responsibilities 40
- Radar Speed Detection 40
- Laser Speed Detection 40
- Photo Radar 40
- Average Speed Calculator and Recorder 41
- Aircraft Speed Surveillance 41
- Roadside Electronic Signs 41
- Police Patrol: Summing It All Up 41

Differential Response 42

Effectiveness of Police Patrol 42

Reactive, Proactive, and Coactive Policing 44
- Reactive Policing 44
- Proactive Policing 44
- Coactive Policing 44

Organizational Features 46
- Police Department as Bureaucracy 46
- Paramilitary and Chain of Command 47
- The Policing Enterprise 48
- Multiple Jurisdictional Operations 49
- Decentralized Operations 50
- Police Organizational Environment 50
- Organizational Clarification 50

Types of Police Patrol 50
- Foot Patrol 50
- Motorized Patrol 51
- Single-Officer Units versus Two-Officer Units 51
- Bicycle Patrol 52
- Motorcycle Patrol 52
- Aircraft Patrol 52
- Water/Marine Patrol 53
- Mounted Horse Patrol 53

Allocation of Patrol Personnel 53
Special Tactical Teams 54
Managing and Supervising Patrol Activities 55
Upper-Level Management 55
Middle-Level Management 55
Line-Level Supervision 55
Summary 57
Classroom Discussion Questions and Activities 57
Chapter References 58

Chapter 3 Police Field Procedures 59

Introduction 60
Preparing for the Tour of Duty 61
Personal Preparation 61
Other Preparation 63
Patrolling the Beat 64
Knowledge of Persons 64
Answering Crime Calls 67
Community Policing Activities 70
Administrative Tasks 70
Handling Offenders 71
Handcuffing and Search 72
Transporting Offenders 73
Juvenile Offenders 74
Civil Unrest 75
Planning 75
Controlling the Crowd 76
Riots 77
Dispersion Techniques 78
High-Speed Pursuits 79
Liability Issues 80
Pursuit Procedure 81
Helicopter Support 83
Tire Deflation Devices 83
Weather and Natural Disasters 85
Mass Shootings 87
The Police Canine 92
Emergency Vehicle Operation 94
Driving Code Three 95
The Use of Force 96
Tasers 98
Summary 99
Classroom Discussion Questions and Activities 100
Chapter References 101

Chapter 4 Police Operations in a Community Policing Environment 102

Introduction 103

The Emergence of Community Policing 104
- The Kansas City Preventive Patrol Experiment 105
- Newark Foot Patrol Study 106
- Implementation 107
- Traditional Policing versus Community Policing 108

Core Components of Community Policing 109
- Community Partnerships 110
- Problem Solving 111
- Organizational Change 114

What Community Policing is Not 116

Incorporating Community Policing on the Job 118
- Community Policing and the Role of the Police Officer 118
- Domestic Violence 118
- Burglaries 120
- Drug Activity 122
- Graffiti 125
- Robbery 128

Community Policing, Violent Extremism, and Terrorism 130
- Procedural Justice and Community Policing 131

Does Community Policing Work? 132

Summary 133

Classroom Discussion Questions and Activities 134

Chapter References 134

Chapter 5 The Crime Scene and Preliminary Investigation 136

Introduction 137

The Role of Patrol in the Preliminary Investigation 139
- The Initial Patrol Response 139
- Self-Protection 141
- Care for the Injured 142
- Securing the Crime Scene 143
- News Media 145
- The Neighborhood 146
- Turn Over Control of the Scene 146

Initial Steps in the Investigation 146
- The Initial Assessment 146
- Search Warrant 147
- The Walk-Through 147

Photographing the Scene 149
- Overall Photographs 150
- Mid-Range Photographs 150
- Close-Up Photographs 151

Crime Scene Search 151
- Strip Method 151
- Grid Method 152

Zone Method 153
Spiral Method 153
Wheel Method 154
The Nature of Evidence 154
Types of Evidence 155
Class and Individual Characteristics 157
Associative Evidence 157
Tracing Evidence 157
Testimonial Evidence 157
Fingerprint Evidence 158
Bloodstains 159
Saliva, Seminal Stains, and Sexual Assault Evidence 160
Hair Evidence 160
Glass 161
Paint 161
Firearm Evidence 162
Bullets and Ammunition 163
Cartridge Cases 163
Tool Marks 164
Controlled Substances 164
Narcotics Field Testing 165
Packaging of Money 166
Handling Contaminated Money 167
Questioned Documents 168
Other Evidence Tips 168
Cybercrime 169
Cyberstalking 170
Assessing Cybercrime Evidence 171
Summary 172
Classroom Discussion Questions and Activities 173
Chapter References 173

Chapter 6 Interviewing and Interrogation 175

Introduction 176
Principles of Interviewing 177
Art of Interviewing 177
Types of Interviews 177
Approaches to Interviewing 178
Sympathetic or Logical Approach 179
Timing and Setting of the Interview 180
Structure of the Interview 180
Obtaining Written Statements 181
Levels of Interactions 182
Field Interviews/Investigative Stops 182
Principles of Interrogation 183
Art of Interrogating 183

Use of the Polygraph and CVSA 184
Human Lie Detector 185
Body Language 185
Emotional States 186
Interpersonal Interactions 186
Verbal Content 186
How Something is Said 187
Law of Interviewing and Interrogation 187
Sixth Amendment's Right to Counsel During Interrogation 187
Fifth Amendment Restrictions on Questioning 189
Interrogation or Its Functional Equivalent 191
In Custody 192
After the Individual Invokes Miranda 193
Language Problems 194
Fruit of the Poisonous Tree 195
Exceptions to Miranda 196
May Congress Overturn the Miranda Requirements? 198
Voluntariness of a Confession 200
Judicial Decisions on Voluntariness of Statements 201
Burden of Proof 202
Length of Interrogation 202
Psychological Coercion 202
Promises 205
Trickery and Deceit 205
Nontestimonial Evidence 207
Immunity 207
The Art of Listening 208
Summary 208
Classroom Discussion Questions and Activities 209
Chapter References 209

Chapter 7 Handling Calls for Service 210

Introduction 211
The Police Service Role 211
Disputes 213
Officer Safety 213
Effective Communication 214
Tactical Communication 214
Listen and Ask Questions 215
Look for the Hidden Problem 216
Resolving the Dispute 216
Domestic Violence 216
Suspicious Character Calls 219
Prowlers 220
Missing and Runaway Children 223
Responding to Missing Persons 223
AMBER Alert 224

Missing Adults 226
Recovery of Missing Persons 227
Human Trafficking 228
Welfare Checks 229
Checking the Welfare of Children 230
The Mentally Ill 231
The Homeless Population 232
Abandoned Vehicles 234
Abandoned Vehicles on Public Roadways 235
Abandoned Vehicles on Private Property 235
Stalled Vehicles 235
Lost Property 236
Stolen Property 236
Repeat Calls 237
Citizen Contacts 238
Summary 239
Classroom Discussion Questions and Activities 241
Chapter References 241

Chapter 8 **Police Traffic Functions 243**

Introduction 244
History of Police Traffic Control 244
Typical Mission of a Traffic Division 244
Jurisdiction 244
Tracking Law Enforcement Officers' Deaths Involving Traffic Functions 245
Traffic Unit Functions 245
Directing Traffic 246
Traffic Control Techniques 249
Traffic Stops 249
Preparing for the Traffic Stop 249
Location of Stop 250
The Stop and Making Contact 250
Passengers 252
Officer Safety in Traffic Stops 252
Roadblocks and Checkpoints 253
Types of Checkpoints 253
Court Decisions 253
United States v. Martinez-Fuerte, 428 U.S. 543 (1976) 253
Almeida-Sanchez v. United States, 412 U.S. 266 (1973) 253
United States v. Ortiz, 387 U.S. 523 (1967) 254
Michigan v. Sitz, 496 U.S. 444 (1990) 254
Ingersoll v. Palmer, 743 P.2d. 1299 (1987) 254
Illinois v. Lidster, 540 U.S. 419 (2004) 254
Brown v. Texas, 443 U.S. 47 (1979) 255
United States v. Brignoni-Ponce, 422 U.S. 873 (1975) 255
United States v. Huguenin and Martin, 154 F.3d 547 (2000) 255
Galberth v. United States, 590 A.2d 990 (1991) 255

Bobby Joe Mullinax v. State of Arkansas, 571 S.W.2d (1997) 256
Collision 256
Traffic Violations 258
Traffic Accidents 259
DWI/DUI 260
Aggravated DWI/DUI Offenses 261
Summary 262
Classroom Discussion Questions and Activities 262
Chapter References 262

Chapter 9 Ethics and Police Misconduct 263
Introduction 264
What Is Ethics? 264
What Constitutes Ethical Behavior? 266
Ethics as a Restriction on Behavior 266
Kantian Ethics 267
Moral Development 268
Values 269
Law Enforcement Values 270
Departmental Values 270
Management Tools 270
Organizational Culture 271
Personal Gratuities 271
Individual Guidance 272
Leadership Roles 273
Lying and Deception 273
Are Some Lies Justified? 274
Lying and the Courts 275
Off-Duty Employment 276
Internal Affairs Unit 276
Summary 283
Classroom Discussion Questions and Activities 284
Chapter References 285

Chapter 10 Police Reports and Communication 286
Introduction 287
Report Writing 288
Communication by Email 288
Police Language 294
Radio Communications 295
Radio waves 295
Radio spectrum 295
Spectrum Allocations/Regulations 295
Channels 296
Outlook 296
Interdepartmental Operations Channel 296
Voice over Internet Protocol 296

Radio Procedures 297
Silent Scanners 298
Radio Call Signs and Codes 299
Movement to Plain Language 300
Crime Broadcasts 302
Interception of Telephonic Communications 302
Telephone Communications 303
9-1-1 Communications 304
Special Communications Issues 307
Non-English-Speaking Individuals 307
Survival Spanish 308
Communicating with Deaf or Hard-of-Hearing Citizens 309
Computer Systems 310
Official Emails 311
In-Car Systems 311
Data Communications 311
Summary 312
Classroom Discussion Questions and Activities 313
Chapter References 313

Chapter 11 Gangs and Drugs 314
Introduction 315
Gangs 315
Anti-Gang Tactics 317
Anti-Gang Legislation 317
Gang Prosecution 318
Hispanic Gangs 319
Prominent Hispanic Gangs 319
Identifying and Distinguishing Hispanic Gangs 320
Gang Coordination and Alliances 321
Female Gangs 321
Indian Country Gangs 322
Outlaw Motorcycle Gangs 323
National Gangs 323
Crips 323
Bloods 324
Skinheads 324
Asian Gangs 325
Somali Gangs 325
Dominican Gangs 325
Jamaican Gangs 326
Hybrid Gangs 326
Gang-Related Issues 326
Gangs and the Military 326
Gangs, Technology, and Communication 327
Gangs and Weapons 327
Drug Enforcement 327
Narcotics 328

Focus on Drugs and Alcohol: Some Definitions 328
Central Nervous System Stimulants 328
Central Nervous System Depressants 330
Hallucinogens 330
Narcotic Analgesics 330
Phencyclidine 331
Cannabis 332
Drug Legislation 332
Uniform Controlled Substances Act 332
Schedules 334
Alcohol-Related Offenses 336
The Alcohol Problem 336
Public Drunkenness 337
Driving Under the Influence 337
Solutions to Drug and Alcohol Abuse 339
Legalization 339
Attacking the Drug Problem 339
Prevention of Alcohol Abuse 341
Drug Testing of Police Officers 342
Gangs and Drugs 344
What is the Relation Between Drugs and Gangs? 344
Summary 344
Classroom Discussion Questions and Activities 345
Chapter References 346

Chapter 12 Police Operations in Culturally Diverse Communities 348

Introduction 349
Changing Demographics 349
Skeletons in the Closet 350
Watts Riot 351
Zoot Suit Riots 352
The Detroit Riots 352
Tulia, Texas 353
Other Incidents 353
A Necessary Examination 354
Contemporary Problems 355
Racial Profiling 356
Responding to Racial Profiling 357
Pretextual Stops 360
Police Crackdowns 360
Police–Minority Relations Today 361
Dangerous Traits and Behaviors 363
Stereotyping 363
Self-Fulfilling Prophecy 364
Prejudice 364
Racism 365
Authoritarian Personality 365
Scapegoating 365
Labeling Theory 365

Implicit Bias 366
Improving Police–Minority Relations 366
Community Policing 366
Citizen Police Academies 368
Relationship Building 368
Develop Community Contacts 369
Cultural Diversity Training 369
Recruitment of Minority Police Officers 370
Courtesy and Professionalism 371
The Culturally Competent Police Officer 371
Cross-Cultural Communication 372
Eye Contact 372
Social Space 373
Touching 373
Hate and Bias Crimes 373
Responding to Hate Crime 374
Type of Hate/Bias Offenders 376
Summary 377
Chapter Discussion Questions and Activities 379
Chapter References 379

Chapter 13 **Crime Mapping and Analysis 381**

Introduction 382
Crime Analysts 382
Crime Mapping 384
Using Crime Maps 385
Using GIS 386
Why Map Crime? 387
Hot Spots 388
Recovery Locations 389
Proximity 389
Tracking Serial Offenders 389
Mapping Prisoner Reentry 389
Crime Mapping Software 390
School COP 391
CASE (Crime Analysis Spatial Extension) 391
CompStat 391
Analysis and Planning Level 392
Should Crime Information Be Made Public? 396
Does Hot Spot Patrolling Simply Cause Crime to Move Around the Corner? 398
Hot Spot Theories on Crime 398
Place Theories 398
Street Theories 399
Neighborhood Theories 399
Other Large Area Theories 399
Repeat Victimization Theories 399
Types of Hot Spots 399

Summary 400
Classroom Discussion Questions and Activities 400
Chapter References 400

Chapter 14 **Handling Terrorism and Natural Disasters** 402

Introduction 403
Terrorism and the Police Officer 405
War on Terrorism 405
Terrorism Alerts 406
Assessing Terrorist Threats 407
Calculating Criticality 408
Calculating Vulnerability 409
Risk Assessment Calculation 411
New York City's Fight Against Terrorism 414
Anti-Terrorist and Disaster Recovery Agencies 415
Department of Homeland Security 415
FEMA 419
FBI 424
State Homeland Security Agencies 426
Civil Defense Battalions 427
Bomb Threats 429
Hostages 430
Summary 431
Classroom Discussion Questions and Activities 431
Chapter References 432

Chapter 15 **Legal Constraints on Police Operations** 433

Introduction 434
Searches 434
What Constitutes a Search? 435
Houses 437
Standing 438
Warrant Clause of the Fourth Amendment 443
Probable Cause 443
Duties of the Magistrate in Issuing a Warrant 444
Execution of a Search Warrant 444
Eavesdropping 446
Exceptions to the Fourth Amendment 447
Searches Without a Warrant 447
Plain View Doctrine 448
Open Fields 448
Searches of Parolees and Persons on Probation 449
Searches Incident to Lawful Arrest 449
Consent 450
Student Drug Testing 450
Stop and Frisk 452

Arrests 453
Exclusionary Rule 456
"Fruit of the Poisonous Tree" Doctrine 458
Civil Liability 459
Qualified Immunity for Officers Executing Search Warrants 461
Use of Force 463
Use of Deadly Force 463
Negligent Hiring of an Officer 465
Summary 465
Classroom Discussion Questions and Activities 466
Chapter References 466

GLOSSARY 467
INDEX 474

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Preface

The third edition of *Police Field Operations: Theory Meets Practice* is designed as a comprehensive, yet readable text on police field operations. The material in the text describes police field operations and is designed to be used in a one semester course on police operations or patrol procedures. The text may also be appropriate for use in introduction to law enforcement courses. While the chapters are designed to be independent units, they also build upon each other to provide a complete picture of police operations, including patrol.

The authors have worked on this text for many months and in the process of developing this text are reminded of the comments of Sir Winston Churchill: "If you have an important point to make, don't try to be subtle or clever. Use a pile driver. Hit the point once. Then come back and hit it again. Then hit it a third time—a tremendous whack." In developing a manuscript, the preface is the last item developed. In that regard, Churchill stated: "Writing a book is an adventure. To begin with, it is a toy and an amusement; then it becomes a mistress, and then it becomes a master, and then a tyrant. The last phase is that just as you are about to be reconciled to your servitude, you kill the monster, and fling him out to the public." Accordingly, we hereby present this third edition of the text to you.

To bridge the gap between theory and practice, present and former police officers were interviewed regarding their experiences on the police force. Excerpts of their interviews are included in the text under "Voices of Experience."

In the past, readers have been of invaluable assistance to help us improve on future editions of the text. Accordingly, your input regarding any problems or suggestions for improvement is welcomed. Please send comments to the authors via Michael Birzer's email at Michael.birzer@wichita.edu, or Cliff Roberson's email at cliff.roberson@washburn.edu.

Acknowledgments

While the text lists the two of us as authors, this text would not have been possible except for the contributions of many others, including our editor Gary Bauer and his assistant Lynda Cramer. We are grateful to the reviewers: Timothy Davis, Madisonville Community College; Christopher Frayre, Mid-Michigan Community College; Jason Waller, Tyler Junior College; and Suzanne Youngbloood, Harrisburg Area Community College. We would also like to thank the previous edition's reviewers: Richard Dewey, Indiana River Community College; Margaret G. Austin, Central Piedmont Community College; Scott Rudeen, Brown College and Kaplan University; Michael Pittaro, Lehigh Valley College; Jack D. Howell, Excelsior College; Denny C. Powers, Columbia Campus South University; and Thomas J. Mason, Remington College, who pointed out our errors and provided us with directions on how to improve the text.

Finally, a word of thanks to our "Voices of Experience" contributors who have provided us with valuable information regarding the "real life" in the police force: John Boal, Robert Boyer, Michael R. Bresett, Gregg Etter, Sr., John Hill, Richard Hough, Tom-Mahoney, Jack Maxwell, Mark McCoy, John Padgett, Scott W. Phillips, and Jeff Tymony.

New to the Third Edition

- Updated material on each chapter
- Discussion on the general principles of organization for law enforcement agencies.
    - New chapter on becoming a police officer and police careers
    - New chapter on traffic functions of policing
    - New discussion on the President's Task Force Report on 21st century policing
    - New discussion on evolving issues in police operations
    - Expanded coverage of police officer stress
    - New coverage on police response to mass shootings

Police Officer Code of Conduct

The IACP adopted the Law Enforcement Code of Ethics at the 64th Annual IACP Conference and Exposition in October 1957. The Code of Ethics stands as a preface to the mission and commitment law enforcement agencies make to the public they serve.

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—law enforcement.

▶ Instructor Supplements

Instructor's Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.

PowerPoint Presentations. Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to **www.pearsonhighered.com/irc**, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

▶ Alternate Versions

eBooks. This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit **www.mypearsonstore.com**.

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CHAPTER OUTLINE

- Introduction
- From Warriors to Guardians
- Police Recruitment
- Police Selection
- Academy Training
- In-service Training
- Rising in Rank
- Occupational Stress
- Summary

1 The Police Career

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Discuss the changing nature of American policing.*
- *Discuss the qualities that make a good police officer.*
- *Describe the recruitment and selection process.*
- *Describe police academy training.*
- *Discuss rising in rank within the law enforcement agency.*
- *Discuss occupational stress.*

Introduction

Police work is one of the most rewarding but challenging and demanding career choices. Police officers see the best and worst in humankind. While on patrol, they can go through hours of routine and then suddenly be dispatched to a disturbance with gunshots being fired, or to a horrific vehicle accident involving multiple casualties, or to the scene of a tragic gang-involved shooting where a mother is crying over the body of her 16-year-old dead son, asking why. Police officers are required to exhibit the highest level of bravery and sound decision-making in the performance of their duties. Veteran police chief and clinical psychologist Cedrick Alexander (2016) makes this observation in his book, *The New Guardians: Policing in America's communities for the 21st Century*:

> Today, more than ever before, we all know that police officers are required to be bold and courageous not only in risking their own lives but in making decisions that may risk the lives of others and that, if they go wrong, may bring tragedy and catastrophe on both a personal level and to an entire community. (p. 78)

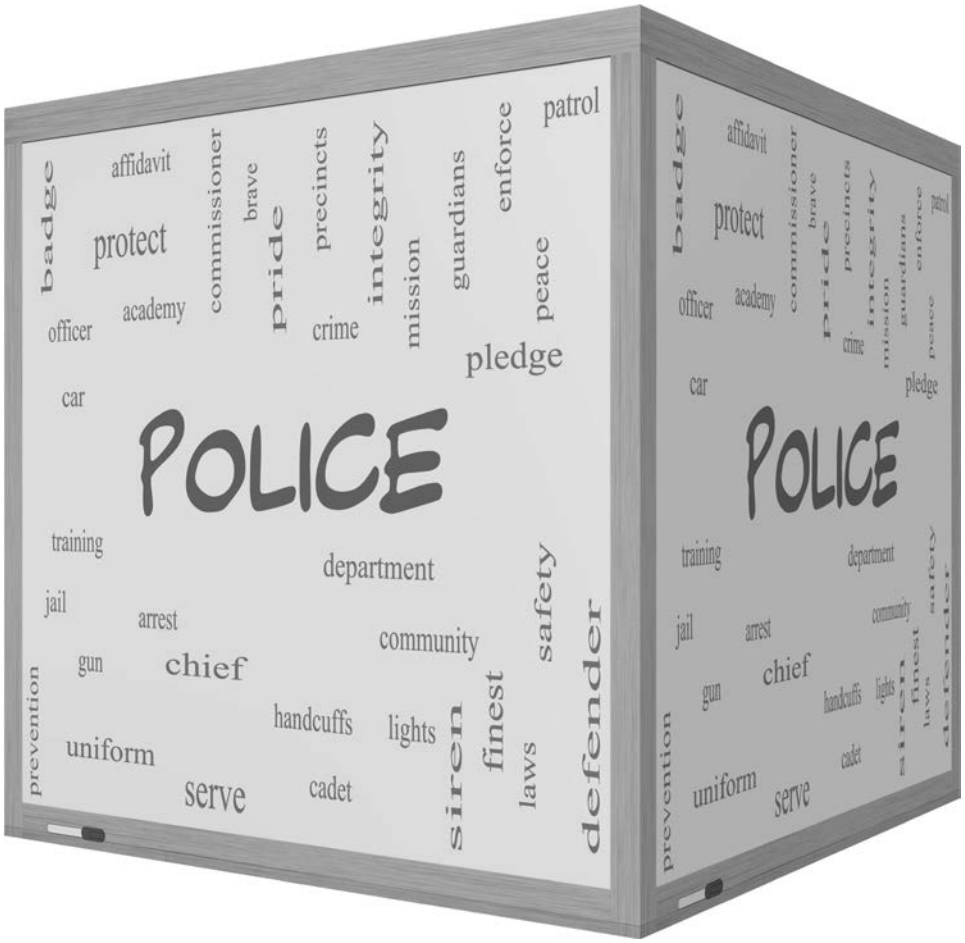

PHOTO 1-1 A graphic display of the many facets of policing.
Keith Bell/123RF.

The purpose of this chapter is to introduce you to the police occupation. The chapter begins with an overview of the qualities desired in police officers and the police role in society. The chapter also provides an overview of what you can expect when you complete the application to become a police officer, the selection process, and if appointed to the training academy, what you can expect during training. The chapter covers other important considerations such as the scope and nature of in-service training requirements, rising in police rank, and stress related to the police occupation and effective ways to manage it. Photo 1-1 ■ is a graphic cube containing words that describe the many facets of policing.

▶ From Warriors to Guardians

Despite several highly publicized police shootings in recent years that have ignited racial tensions and a robust debate about how police can best de-escalate situations, the public's confidence in the police appears to have improved when compared with other U.S. institutions. A recent Gallup poll found that the percentage of American citizens having a great deal or quite a lot of confidence in the police has never varied by more than seven percentage points from the average of 57 percent. Confidence in the police has exceeded the average for all institutions by at least 10 points every year for the past 25 years. Likewise, 76 percent of citizens polled report they have a great deal of respect for local law enforcement (Norman, 2017).

The public's overall strong confidence in the nation's police is grounds for optimism in many respects; however, when examining along racial and ethnic lines reveals a different story. Black and Hispanic citizens report much lower confidence in the police when compared to white citizens. This is likely a result of several highly publicized officer-involved shootings of minority citizens, along with brutality charges, and in-custody deaths. These events sparked protests across the nation, some of which were violent. It also sparked impetus for the Black Lives Movement. The Black Lives Movement is an international activist movement originating in the African-American community and is in part committed to intervene in violence inflicted on black communities.

The low confidence in the police reported by minorities may also be the result of what Radley Balko calls the warrior mindset. Balko, in his book entitled *Rise of the warrior cop: The militarization of America's police forces*, chronicles the blurring of the police and military (Balko, 2013). He argued that the police increasingly have taken on characteristics of the military with citizens seen as the enemy. The result is the perception among many, especially minority citizens that the police represent an occupying army in their neighborhoods. In his book, Balko identified two types of police militarization, direct and indirect militarization. "Direct militarization is the use of the standing military for domestic policing. Indirect militarization happens when police agencies and police officers take on more and more characteristics of the army" (Balko, 2013, 35).

In the war on drugs, which had the most impact on minority neighborhoods, police often executed search warrants in military-like gear often using military tactics. Kraska and Kappeler (1997, 4) described the military gear worn by specialized police units who were often charged with executing search warrants as, "urban camouflage battle dress uniforms (BDUs), lace-up combat boots, full body armor, Kevlar helmets, and sometimes goggles with ninja style hoods."

While it is beyond the purpose of this book to discuss the advantages and disadvantages to paramilitary policing, responsible police officers should avoid projecting the image of an occupying warrior. There is a time and a place for officers to respond to specific situations using tactical methods that may resemble military protocol, but as most police officers will tell you, that is generally not every day on the beat. The majority of police work involves service functions and Birzer (1996, 8) argued,

In times of riots or other mass disorder, the police must quickly become a rigid, central unit of operation. A clearly defined and strict chain of command becomes critical to applying force efficiently and to initiating a quick response to social upheaval. However, when relative tranquility prevails, the rigid command structure must give way to a flexible response to specific community problems.

President's Task Force Report

Because of several highly publicized incidents involving police use of deadly force, former president Barack Obama in 2014 formed the "President's Task Force on 21st Century Policing." The objective of the task force "was to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations on how policing practices can promote effective crime reduction while building public trust" (President's Task Force, 2015, 5). The Final Report made 59 recommendations, grouped under six broad pillars for how policing practices can promote effective crime reduction while building public trust, providing a road map for the future of policing and community-police relations.

The task force suggested that the police increasingly adopt a guardian mindset rather than a warrior mindset. Stoughton (2015) described the guardian mindset as one "that prioritizes service over crime fighting, and it values the dynamics of short-term encounters as a way to create long-term relationships" (p. 231). In contrast, "the warrior policing philosophy symbolizes a militarized form of law enforcement, which has largely defined modern policing" (Helfgott, Strah, Pollock, Atherley, & Vinson, 2018, 94). The task force argued that the guardian mindset would lead toward building the community's trust in the police. A summary of the six pillars of the Task Force Report are as follows.

First Pillar: Build Trust and Legitimacy

The task force recommended that law enforcement culture should adopt a guardian rather than a warrior mindset to build trust and legitimacy. They suggested that law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank and file police officers and with the citizens they serve. They also suggested the importance of accountability and transparency in police actions and engaging in activities other than enforcement that can promote a positive image of law enforcement.

Second Pillar: Policy and Oversight

The task force recommended that if police are to carry out their responsibilities according to established policies, those policies must reflect community values, especially in policies such as use of force, public demonstrations, and de-escalation. Law enforcement agencies should collaborate with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation. They also recommended peer reviews of critical incidents and external independent investigators assigned to questionable uses of force and in-custody deaths.

Third Pillar: Technology and Social Media

Pillar three guides the implementation, use, and evaluation of technology and social media by law enforcement agencies. The task force recommends that the U.S. Department of Justice, in consultation with law enforcement, should establish national standards for the research and development of new technology including auditory, visual, and biometric data, "less than lethal" technology, and the development of segregated radio spectrum such as FirstNet. These standards should also address compatibility, interoperability, and implementation needs both within local law enforcement agencies and across agencies and jurisdictions and should maintain civil and human rights protections.

Fourth Pillar: Community Policing and Crime Reduction

Pillar four focuses on the importance of community policing as a guiding philosophy for all stakeholders. Community policing emphasizes working with neighborhood residents to co-produce public safety. The task force suggests that law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community. Policing a community requires involvement and engagement with the community. See Chapter 4 for a discussion on community oriented policing.

Fifth Pillar: Training and Education

Pillar five focuses on the training and education needs of law enforcement. To ensure the high quality and effectiveness of training and education, the task force suggests that law enforcement agencies should engage community members, particularly those with special expertise, in the training process and provide leadership training to all personnel throughout their careers. They suggested that the federal government foster partnerships with training centers across the country and facilitate more consistent training and standards. The task force also recommended forming training hubs to encourage innovation and community engagement in training and the setting up of a national postgraduate institute of policing.

Sixth Pillar: Officer Wellness and Safety

Because police work is an inherently dangerous occupation, the task force called for the support and implementation of officer wellness and safety as a multi-partner effort between the Department of Justice and local law enforcement. They recommended that the Department of Justice enhance and further promote its multifaceted officer safety and wellness initiative. Two strategies they suggested in working toward this goal is that the Department of Justice (1) encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement and (2) expand efforts to collect and analyze data not only on officer deaths but also on injuries and near misses.

▶ Police Recruitment

In order for police departments to hire the best police officers, an effective recruitment program is essential. Recruitment and selection, while sometimes used interchangeably, are actually different in scope and purpose. Recruitment is the process of locating, identifying, and attracting capable applicants who have the minimum qualifications to be eligible for the selection process. While selection is the process of subjecting police applicants to what amounts to a rigorous testing protocol. Selection is an exercise that seeks to predict which applicants will be successful if hired and to weed out the unqualified candidates (Robins & Coulter, 2017).

Simply put, the purpose of recruitment and selection is to find and retain qualified men and women to serve in the police profession. Most police administrators and human resources specialists would probably agree that this could be a difficult task. It is through recruitment and selection that the future of the agency is determined. Of those recruited and selected into the police service, some will gravitate to investigation positions, some will lead others as supervisors, still others will make it to command and administrative positions, while a few may go on to become police chiefs and sheriffs.

For community oriented policing strategies to be successful, with emphasis on the guardian mindset, police agencies will increasingly move away from recruiting those who exhibit the warrior mindset. The recruiting process will change its focus, and people who have good social skills, possess critical thinking skills, are effective problem solvers, and have excellent communication skills (and understand that a large part of the police job is communicating with people) will become the targets for recruitment into the police service.

The scope of the recruitment program and the amount of effort devoted to it will be largely influenced by the size of the organization. In general, the larger the police organization, the easier it is to recruit police applicants. Larger police organizations are more visible to potential applicants and may be perceived as offering more opportunities as well as higher starting wages. Generally, recruitment should be an ongoing year-round process. If continuous recruiting is not conducted, the organization risks losing qualified candidates for police service. Moreover, the competition in the job industry makes it challenging for police recruiters. A potential applicant that is interested in police service today could be lured away by another department or the private sector with better pay and benefits tomorrow.

Recall that recruitment involves locating and attracting applicants to apply for police service. The age of social media has made recruitment, or getting the word out, a much easier task compared to a past time. Many police agencies use social media platforms to inform the public about recruiting efforts. Likewise, most police agencies these days maintain social media accounts such as Facebook and Twitter. A few of the ways police agencies can recruit are as follows:

- Social media
- The Internet
- Multimedia profiles of the department
- Advertisements in professional publications with college and university placement services and in local, state, and regional newspapers
- Students enrolled in criminal justice internship programs
- Referral networks of current police officers (agencies could offer incentives for officers who successfully recruit candidates, who as a result, enter into the academy)
- Professional contacts with community organizations promoting interests of minority groups
- Publications and pamphlets
- Special activities and events for prospective applicants
- Audiovisual packages
- Look internally for potential police recruits within police reserve/auxiliary units, and police explorer cadet organizations
- Allow onsite tours of the police department to potential applicants
- Recruit persons who have retired and are looking for a second career

There is growing interest in targeted recruiting of persons who have retired from another career for a second career in policing. This means that the candidate will be slightly older, probably in their 40s or perhaps early 50s. The immediate advantage is that this increases the recruitment pool, and applicant, if hired, brings considerable life experience and problem-solving skills to police service when compared to an applicant in their late teens or early 20s, which has often been the prime recruiting class of law enforcement.

Police agencies should consider recruiting retired persons potentially interested in a second career or older applicants who have considerable job and personal experiences. These applicants may be just what policing needs. Consider that older applicants have likely had to deal with and resolve turmoil and problems throughout their personal lives or previous careers. This is exactly what police officers do on a daily basis, listen to and solve citizens' problems. In addition, career applicants would bring an invaluable skill set to the law enforcement agency. This means that law enforcement agencies should reconsider or relax some selection standards within reason.

One of the authors (Birzer) recently had a conversation with Gordon Ramsay, chief of police of the Wichita Kansas Police Department. Chief Ramsay is a progressive chief who has made many inroads in the community. He expressed an interest in his agency engaging

in recruitment of applicants who are a little older and bring a host of life experiences to job, and perhaps have had a few bumps in their lives. Many other police departments across the country are considering this option.

Law enforcement agencies have not always been successful in recruiting and attracting individuals that reflect the communities they serve. The U.S. Department of Justice points out three factors that may hamper efforts to recruit diverse persons:

- Strained relations and a lack of trust of law enforcement may deter individuals from underrepresented communities from applying to be officers.
- The reputation or operational practices of law enforcement agencies may dissuade applicants from underrepresented communities from pursuing a career in law enforcement.
- Individuals from underrepresented communities may not be sufficiently aware of career opportunities within law enforcement agencies (U.S. Department of Justice (2016)).

Recruitment programs should include targeted recruiting efforts with the objective to encourage people from diverse populations and situations in life to consider careers in law enforcement. Additionally, partnerships with educational institutions and providing young people with internship programs create a pipeline of potential applicants while also helping to address historically negative perceptions or experiences diverse communities have had with law enforcement.

Targeted Recruitment

Police agencies should make a concerted effort to recruit minorities and women to apply for police service. Targeted recruitment programs should be designed in order to attract minorities and women to apply for police service. **Targeted recruiting** is the process of identifying a group or population that you want to recruit in order to increase their representation in the department, and developing specific plans to recruit them. Targeted recruiting is beneficial with groups such as African-Americans who are underrepresented in police ranks. Often members of this group do not readily seek out information on police employment. The police department should strategically tailor their message to African-Americans, identify where to locate them, and then recruit them to apply for police service.

targeted recruitment Strategic efforts to create advertising specifically designed to attract and appeal to candidates for targeted police positions. For example, a police agency might design recruiting material to attract African-Americans for police positions.

Advertising police positions in major newspapers and on electronic boards that advertise positions can still play a role in the department's recruitment strategy. However, the ability to send a targeted message to a specific diverse group's talent pool is the most economical way to accomplish your goal to attract a diverse slate of candidates, which ultimately enhances the diversity of the department.

Police recruitment efforts of women, minorities, and other groups must move beyond traditional recruiting approaches. Traditional recruiting approaches for women and minorities tend to be narrow in focus and limited in scope, which are usually limited to diversity inclusion statements and attending diversity job fairs. While the traditional approaches are important, they will be insufficient if police departments want to increase their diversity in terms of race, gender, and sexual orientation. Targeted recruiting approaches that include tailored employer branding of the police agency, identifying candidate assessment problems, and marketing to specific groups with the objective to increase organizational diversity may prove to be beneficial.

Recruiting Females

Because of the perception that the policing profession is still predominately a male-dominated profession, recruiting women for police service can prove to be a challenge. Milgram (2002) suggested that the following types of messages should be a component of all recruitment efforts in consideration when recruiting women. Notice how the messages are using a targeted approach in its language to attract women to apply for the police department.

- We have women officers who are role models in our department
- We want women
- We welcome women
- Women are leaders in our organization and have upward career paths
- Women have career opportunities in all areas of the agency, including special operations
- Law enforcement offers a good salary and benefits

PRACTICE HINTS

DIVERSITY AS A CHANGING CONCEPT

In law enforcement, as in other public and private sectors, diversity recruitment has traditionally focused on increasing the number of African-Americans, Hispanic Americans, and women. However, the meaning of diversity is changing along with demographics and social values. Diversity now means more than embracing variations in race, ethnicity, and gender; it also encompasses variations in age, language skills, culture, religion or belief system, and sexual orientation.

Source: U.S. Department of Justice, Office of Community Oriented Policing Programs (2009). https://cops.usdoj.gov/pdf/vets-to-cops/e080921223-recruitmenttoolkit.pdf.

▶ Police Selection

In most police departments, the field patrol division is where most neophyte police officers will begin their careers. Thus, this section provides a sketch of the police officer applicant selection process. Police officers or administrators who desire additional information on recruitment and selection strategies should consult texts that focus full attention on police human resources strategies. This section is written in a manner to provide a general outline to the steps in selecting police officers.

Twentieth-century police reformer O.W. Wilson (1977, 246) wrote that "Since so much depends on the quality of personnel and because of the high expense of staffing, it follows that the best-qualified personnel obtainable should be selected for the force." Wilson argued that

> One innocuous misfit who is unable to become a good police officer constitutes an economic loss that is usually many times the cost of the entire selection process for all newly appointed recruits. The cost to the police department and to the community is substantially greater when the misfit is guilty of misconduct or of well-intentioned but ill-advised acts based on poor judgement; the prestige of the department is then damaged, and great harm may result from the actions. (p. 258)

O.W. Wilson's advice many years ago that only the best qualified should be selected for police service, undeniably has changed little in twenty-first century police selection practices. Today's police officer should be the cream of the crop to take on the challenges of twenty-first-century policing.

Qualities Desired in Police Officers

A recent *Newsweek* article reported that today's police officer is entering the police service with higher levels of education and more special abilities such as foreign-language skills and technological expertise (Kutner, 2016). Police reformers August Vollmer and O.W. Wilson would certainly be pleased by the number of police officers with college hours or degrees. They spent a great deal of their careers advocating that police officers

PRACTICE HINTS

The minimum selection standards for peace officers in California are set forth in Government Code Sections 1029 and 1031. Every California peace officer must:

- be free of any felony convictions;
- be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship (CHP officers must be U.S. citizens at time of appointment);
- be at least 18 years of age;
- be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;
- be of good moral character, as determined by a thorough background investigation;
- be a high school graduate, pass the General Education Development test, or have attained a two-year or four-year degree from an accredited institution; and
- be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

should be college educated. Police officers will increasingly work in diverse communities and they will be challenged to solve complex problems; and to become street-level criminologists, looking for and solving underlying problems that give rise to incidents that result in a police response, they will need to do so in collaboration with the community and stakeholders.

A report from the field of industrial and organizational psychology, identified characteristics that contribute to police officer effectiveness based on a growing body of research. These are characteristics that are desired in today's community-minded police offices. We list these critical important elements of police work below. Notice how the guardian mindset is interweaved in the characteristics.

- **Integrity**—enforcing the law with fairness to all; acting with principle and courage.
- **Community Relations**—establishing trusting relationships with citizens; being respectful of people with backgrounds and values different from one's own; dealing with others in an interpersonally effective manner.
- **Situational, Discretionary Judgment, and Problem Solving**—accurately assessing the situation and determining appropriate responses in all circumstances, including emergency, stressful, and dangerous situations; using authority and force appropriately.
- **Teamwork**—cooperating and working jointly with other officers, departments, divisions, agencies, or groups.
- **Safety**—being mindful of own, partner, and citizen safety.
- **Patrolling, Observing, and Enforcing the Law**—being alert to unusual circumstances, providing reasonable and proper enforcement of vehicular and traffic laws. (Society for Industrial and Organizational Psychology, 2018)

The President's Task Force on 21st Century Policing suggested that recruitment and selection programs identify the specific traits and characteristics that are sought in officers. Ideally, they should reflect the agency's mission, values, and operational philosophy. The President's Task Force identified a number of qualities that at a minimum every law enforcement agency should embrace. Notice how these qualities are similar to those advanced by the Society for Industrial and Organizational Psychology (2018).

- Integrity
- Service orientation
- Empathy

- Communication and human relations skills
- Self-control
- Team orientation
- Problem-solving skills

PRACTICE HINTS

EMERGING RECRUITMENT AND SELECTION PRACTICES

Law enforcement agencies are increasingly adopting a holistic view of what skills and strengths an applicant brings to a law enforcement agency, in part by being willing to reevaluate information revealed during background checks, including previous drug use. Agencies should be willing to reconsider selection criteria and written or physical examinations that do not correspond to job-related duties that disproportionately screen out individuals from underrepresented populations. In efforts to diversify their workforces, many law enforcement agencies have streamlined and made more transparent their hiring and selection procedures. It may be beneficial to furnish applicants with preparation materials to help them prepare for examinations. Community members should increasingly be involved in the hiring process as a way to develop workforces that reflect the diversity of their communities.

Source: U.S. Department of Justice (2016). *Advancing diversity in law enforcement report.* Retrieved from https://www.justice.gov/crt/policediversity

Becoming a police patrol officer begins with the completion of the application for employment. Standards for becoming a police officer will vary from department to department; however, in many respects these standards are somewhat similar.

After a police applicant has been successfully recruited and has completed the requisite application for employment, the selection process begins. Selection is the screening of job applicants to ensure that the most-qualified candidates are hired. The objective of the **selection process** is to predict those applicants who will be successful if hired for police work. It is of absolute necessity that the most-qualified men and women are selected for the police service.

selection process
The process of screening job applicants to ensure that the most-appropriate persons for police service are hired.

The selection of police officers is driven by a complex legal environment. Police administrators have a responsibility to ensure that all selection tests conform to the proper legal standards and that no part of the process is discriminatory. Any selection device used by a police organization, such as application forms, written tests, physical tests, interviews, and background investigations must be job related.

In 1964, the U.S. Congress established the Equal Employment Opportunity Commission (EEOC). The EEOC is charged with the responsibility of administering the provisions of the Civil Rights Act. In 1972, the jurisdiction of the EEOC was expanded to include public sector employees. Title VII of the Civil Rights Act makes it illegal for public employers to discriminate against persons on the basis of race, sex, color, religion, or national origin. All criteria for hiring must be based on a "bona fide occupational qualification" (BFOQ). A BFOQ is any physical attribute and/or skill that an employer has proven is necessary for satisfactory performance of a particular job. According to the EEOC guidelines, the use of any selection procedure that has an adverse impact on the hiring, promotion, or other employment or membership opportunities of members of any race, sex, or ethnic group is considered to be discriminatory. Under EEOC guidelines, adverse impact is a substantially different rate of selection in hiring, promotion, or other employment decision that works to the disadvantage of members of a race, sex, or ethnic group.

PRACTICE HINTS

Police recruitment and selection are two distinct, but related activities. Police recruitment is the process of locating, identifying, and attracting capable applicants who have the minimum qualifications to be eligible for the selection process. The selection process is the process of subjecting police applicants to what amounts to a rigorous testing protocol.

Written Exam

Generally, most police selection processes begin with a job-related written police examination. Applicants are usually required to meet a minimum score in order to be considered further in the selection process. Some police departments hold year-round testing on a walk-in basis, while others hold testing at periodic times throughout the year. The written examination is an effective and cost-effective method of screening large numbers of police applicants. Written examinations for entry-level police positions are most likely to test areas such as basic arithmetic ability, reading comprehension, grammar, spelling, and writing skills. These areas have been shown to be job related for police work.

Physical Ability Testing

Physical ability selection is the process of testing applicants for the strength and agility that are required to perform the job of a police officer. The purpose of physical agility testing is to simulate any number of job-related activities, such as jumping down from porches; climbing stairs; or walking along walls, rafters, pipes, or beams while on foot pursuit or while checking buildings for suspects. A period of running may be incorporated into each of the events to simulate the apprehension and control of a fleeting suspect. While these physical skills may appear to be skills that police use, there is a lack of agreement regarding the physical capabilities that should be tested and the standards that should be used to evaluate effective physical performance (Lonsway, 2003). Applicants generally have to obtain a passing score on the physical agility test in order to be considered further in the selection process.

PRACTICE HINTS

There are five phases of the Physical Agility Test for sworn police officer positions within the Newport Beach, California Police Department:

1. Obstacle Course (Timed—2:03 or less)
   - The applicant must navigate over an approximate 3-foot vault
   - Through a serpentine pattern of offset barricades
   - Over a 6-foot-tall wooden fence
   - Across a balance beam
   - Over three hurdles
   - Over another 6-foot-tall cinder block wall
   - Across monkey bars
   - Through a 3-by-3 foot window
   - Followed by an approximate 80-yard sprint
2. Weapon Simulation
   - The applicant must demonstrate the ability to activate the slide and pull the trigger of a semi-automatic handgun five times with each hand
3. Vehicle Push (Timed—10 seconds or less)
   - The applicant must be able to push a Newport Beach police vehicle through a distance of 10 feet
4. Body Drag (Timed—16 seconds or less)
   - The applicant must be able to pull or drag a 165 pound mannequin a distance of 45 feet
5. Run (Timed—1:52 or less)
   - Applicants must be able to run 515 yards on a level asphalt surface

Polygraph Testing

Pre-employment polygraph screening is used to verify information contained on a job application, and to learn if some relevant information has been omitted. Of particular concern is the applicant's past criminal activity, drug usage, morals, and job history. Two specific advantages of using the polygraph as a pre-employment screening device are (1) some unqualified candidates will decide not to apply because they feel that the polygraph examination will reveal prior acts that will disqualify them from further consideration and (2) it sends a message to the community that the department is expending every effort to hire only the most fit people as officers. The polygraph examination should be considered a separate process from the background investigation; however, these two stages are mutually reinforcing when used correctly.

Oral Interview

The oral interview gives the interview board, made up of senior police officials, an opportunity to meet with and observe the communication skills of the candidate. During the interview the candidate is usually asked about background information he or she provided on the application form. The candidate may also be asked to respond to several hypothetical scenarios. Hypothetical scenarios are used to assess how the candidate would respond to stressful situations, as well as to assess problem-solving skills.

Psychological Assessment

conditional offer of employment An employment offer extended to a police applicant contingent on the applicant successfully completing the latter stages of the selection process, such as psychological testing and medical and drug screening.

Psychological testing is usually conducted after a conditional offer of employment is made to the applicant. A **conditional offer of employment** is where the applicant is offered police employment contingent on passing the remaining selection tests. The specific psychological test used will vary from police agency to police agency.

Psychological tests are written, visual, or verbal evaluations administered to assess the cognitive and emotional functioning of police applicants. More specifically, psychological tests are used to assess a variety of mental abilities and attributes, including achievement and ability, personality, and neurological functioning. Psychological tests used in police officer selection may include the Minnesota Multiphasic Personality Inventory (MMPI), California Personality Inventory (CPI), Rorschach inkblots, figure drawings, and sentence completion tests.

Of the variety of psychological tests used by police departments, the MMPI remains popular. The MMPI is a written psychological test used to diagnose mental disorders. It is also used to screen for personality and psychosocial disorders, as well as being administered as part of a neuropsychological test battery to evaluate cognitive functioning. The MMPI should always be used in conjunction with other psychological tests. Furthermore, all psychological testing should be administered and interpreted by a trained psychologist or psychiatrist.

Background Investigation

The background investigation is literally an investigation into an applicant's background. The background investigation provides a wealth of insight into the candidate's personal and professional life and may provide some of the most important indicators of job success (Moriarty & Field, 1994).

Background checks of applicants are one of the most effective tools available to assist in making correct hiring decisions. A properly conducted background investigation may take several months to complete. It should naturally be carried out toward the end

of the selection process. The background investigation usually focuses on talking with the applicant's former employers, teachers, friends, family members, and other acquaintances, and the examination of military records, court records, information about the use of illegal substances, and other crime-related information. The background investigator should keep in mind that the best information about a candidate can be obtained from the applicant's listed references. The background investigator should make it a point to ask references listed by the applicant for the names of other persons who are acquainted with the applicant.

Brady/Giglio Issues

Students reading this book who are considering police employment, we caution you to avoid conduct that could keep you out of policing, even conduct that involves minor dishonesty. Police applicants who have a documented past of deceitful or dishonest behavior will likely not be able to obtain police employment in part due to the *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) court cases. The *Brady* case requires that prosecutors disclose materially exculpatory or impeaching evidence in the government's possession to the defense. This is often referred to as Brady material or evidence the prosecutor is required to disclose. Exculpatory evidence includes evidence reflecting on whether the prosecutor's witnesses against the accused are credible, which could be used by the defense at trial to impeach the character or credibility of witnesses. Any evidence favorable to the accused including attacking a police officer's credibly is permissible. The *Giglio* case expands the Brady decision and requires prosecutors to disclose information that a defense attorney could use to impeach a witness. This includes information about the credibility of officers.

An officer who has served in policing for any length of time can be subject to *Brady*/*Giglio*. If officers in the performance of their duties have been dishonest, this can be brought up in the courtroom. For example, suppose an officer lied on a police report and was officially disciplined by the agency with a five-day suspension. The officer returns to work and two years later is set to testify in a drug case where he had arrested the defendant for possession with intent to distribute a large amount of cocaine. Defense attorneys, to try to discredit the officer's testimony, can use the officer's past suspension for lying on a police report against him. In reality, most police agencies have zero tolerance in cases where an officer lies on a police report and the officer would be terminated from employment. Officers who have been disciplined for misconduct involving their honesty are placed on what in police circles is typically referred to as the Brady/Giglio list.

Medical and Drug Screening

Medical and drug screening is one of the last assessment procedures in the selection process. Medical and drug screening is usually administered after a conditional offer of employment is made to the applicant. During the medical screening, a designated physician performs a physical examination of the applicant. A physical examination is used to ensure that the applicant has no underlying medical condition that would prevent or limit him or her from performing the essential functions of the police job.

Drug testing is usually conducted as part of the medical screening. Pre-employment drug testing has become a very common selection device for police employment. The Bureau of Justice Statistics reports that about 88 percent of local police departments use drug testing as a pre-employment selection requirement. The courts have consistently upheld the use of drug testing as a police selection tool. The entire police hiring process is depicted as a flowchart in Figure 1-1 ■.

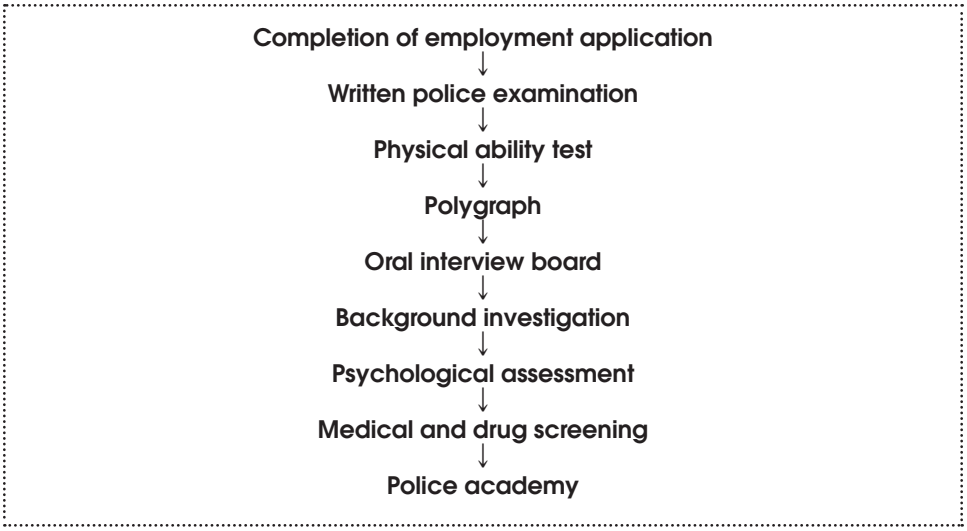

FIGURE 1-1 Police Hiring Process at a Glance

Note: The process is a multiple hurdle. Applicants are required to successfully complete one stage (hurdle) to proceed to the next stage.

Academy Training

After an applicant has successfully completed the selection process and is extended an offer of employment, he or she reports to the police academy for formal training. Next to the recruitment and selection of police officers, training is one of the most important functions of the police organization. It is through training that neophyte police officers learn the skills of policing. Training is also the process where veteran police officers learn new policing techniques and hone existing skills. Academy training is a very structured environment and may resemble some aspects of military basic training. Police recruits are expected to follow the academy rules and give full attention to instructors. A recruit who has difficulty conforming to academy life, or is failing academically or continually violates the academy rules, is dismissed from the academy quickly or as early in the training as possible. This is usually recommended by training commander to the chief of the organization who makes the dismissal or delegates the commander to make.

During the academy training recruits learn many topics. They will learn about criminal law and procedure, state laws, city ordinances, departmental rules and regulations, and standard operating procedures. They learn report writing and how to use police equipment; physical tactics, including learning to use the Taser and the stun gun, firearms training, traffic accident investigation, and preliminary crime scene investigation; and about special problems on the beat, including drugs and substance abuse–related issues and homeless populations and the mentally challenged. Other training topics include diversity awareness, implicit bias training, racial profile training, and responding to family disturbances, and many more patrol training tasks.

There are currently about 664 local and state police training academies operating in the United States (Reeves, 2016). Across all of these local and state academies, the median number of academy training hours required to become a certified law enforcement officer is 840 hours, or 21 weeks (Reeves, 2016). Police academy training across the United States is in no way uniform and varies in length and content. In some jurisdictions, police trainees attend the academy during the day and are allowed to go home in the evening, while in others, the trainee may be required to physically stay at the academy for a number of weeks or months, similar to military basic training.

Field Training

After a recruit graduates from the police academy, most departments require that they successfully complete a field training program. Field training programs are designed to ease the transition of rookie police officers from the academy to the field. During the field training program, the officer is assigned to ride with a field training officer (FTO) for a specified period of time. The initial exposure to law enforcement provided through the field training program plays a significant role in shaping the future careers of new police officers and in many cases provides the recruits with their first opportunity to practice what has been learned in the academy. The median number of hours for field training in U.S. police departments is about 500. Field training officers are specially picked due to their exemplary performance and because of their willingness to work with new police officers. In most cases, FTOs are required to complete specialized training.

The field training officer program is a concept that originated in 1972 in the San Jose, California, Police Department, and since 1972, FTO programs have become fairly widespread. An FTO program attempts to bridge the gap between the academic experiences of the classroom and the actual practices of policing; the number of hours required for the FTO program varies from agency to agency. During the FTO program, a recruit who has recently graduated from the academy is assigned to ride with a field training officer, who has been trained to direct, evaluate, and correct the performance of recruits, for a specified period of time. Field training officers are carefully selected and regard their selection as a tribute to the trust and confidence the police agency has in them. They are usually selected from patrol officers who have several years of patrol experience, have a level of experience above the norm, and possess superior skills and abilities in written and verbal communications. Successful experience as a field training officer is considered a positive career step.

▶ In-Service Training

Just because a recruit graduates from the academy and completes the FTO program does not mean his or her training is over. Most police agencies require a specified number of annual in-service training hours. In-service training is usually mandated by state law. The content of in-service training courses varies, but may include such courses as firearms refresher, use of force, defensive tactics, terrorism, hazardous materials, blood-borne pathogens, policy and procedure updates, community policing, problem-oriented policing, as well as any course that deals with new developments in the field. The number of hours and courses of field training that officers are required to receive each year varies by state but typically is between 30 and 40 hours.

▶ Rising in Rank

Police officers generally enter their careers at the rank of police officer and are assigned to the patrol division. The duties of a police patrol officer focuses on protecting citizens and property. They patrol a specific assigned area often called a beat, they respond to calls, investigate crime and traffic accidents, enforce laws, make arrests, issue citations, and occasionally testify in court cases.

After police officers have served on the department for a specified number of years, they are eligible to test for promotion to detective or sergeant. The time that an officer spends in patrol or in the rank of police officer before being eligible to test for promotion varies by law enforcement agency. Some agencies require the officer to complete three years of service as a police officer while others may require five years before being eligible to test for promotion.

The promotional process for detective and sergeant typically entails a written test and an oral interview board made up of supervisors or members of the command staff. A member of the community may also be represented on the promotional board.

Promotional tests are job related. In other words if you are testing for detective you would not be tested over supervisory or management concepts. The test for detective will generally focus on crime scene investigation, evidence collection, and standard operating procedures pertaining to the crime scene, as well as state and federal law governing the elements of a crime and the law on search and seizure and confessions. The sergeant's test focuses on supervisory principles, departmental rules and regulations, and state law and city or county ordinances.

After the written test and the oral interview board are completed, the agency may take into consideration the officers performance evaluations, seniority on the department, and education. This information is both reviewed and rated. After the testing scores and other ratings are calculated, officers are placed on the promotional list in rank order of how they performed on the testing. When openings become available, the agency's command staff reviews the promotional list and generally promotes those high on the list. The list is usually valid for one to three years before officers would have to re-test if not promoted during that time. This will vary by law enforcement agency.

Police Detective

A police detective, also referred to as an investigator, investigates crime. Much of their work is follow-up investigation. Once a patrol officer takes the initial report of, for example, a burglary, the case is assigned to a detective working in the crimes against property section. The detective conducts a follow-up investigation of the burglary with the objective to identify a suspect and recover the victim's stolen property. A detective may respond to a crime scene to gather facts at crime investigations. They compile evidence by observing suspects, interviewing witnesses and suspects, and examining physical evidence. Detectives may also write out search warrants, testify in court, and complete written follow-up investigative reports.

There are many work opportunities for detectives. Detectives may be assigned to specialized areas such as crimes against persons, robbery/homicide, missing persons, crimes against property, checks and fraud, auto theft, or the vice and narcotics units. There is also the opportunity to serve on federal, state, and local task forces. For example, the U.S. Drug Enforcement Administration (DEA) has made use of task forces for many years. These task forces may consist of DEA special agents and local and state law enforcement officers.

Police Corporal

Some law enforcement agencies have the rank of corporal. This is a supervisory rank just below the rank of sergeant. In addition to supervisory responsibilities, corporals perform patrol duties and investigate crimes. In the event the sergeant is off for the day, the corporal may take over the duties of police sergeant.

In order for officers to be eligible to test for corporal, they must be at the rank of police officer for a designated time, usually two or three years. The promotional process for the rank of corporal usually entails a written test and an oral interview board. The corporal test generally consists of a mixture of questions about supervision and leadership, departmental policy and procedures, criminal law and procedure, along with city or county ordinances.

Police Sergeant

The police sergeant is one of the most important positions in the law enforcement chain of command. The police sergeant is a frontline supervisor and in most cases has the most contact with the police officers carrying out the mission of the department. The job of police

sergeant involves preparing and conducting patrol shift briefings including inspection of officers' appearance, equipment, and assigning officers to beats. Police sergeants supervise and evaluate the performance of subordinates including disciplinary actions, continued training, and counseling. Police sergeants may be assigned to any division or section with the police agency. This might include patrol, investigations, training, or other operational, or staff and support functions. It has been the authors' experience that most new sergeants are first assigned to field patrol duties for a few years.

Police Lieutenant

After a sergeant has served in that rank for a specified number of years, which, again, varies by law enforcement agency, they are eligible to test for promotion to lieutenant. The testing process usually entails a written test, oral interview board, a review of college education, and years of seniority on the department. These tests and other factors are calculated for a final score, and the candidate is placed in rank order on the lieutenant promotional list.

The job of lieutenant is an increasingly responsible position within the police agency and in some agencies may be considered a command position. A lieutenant is responsible for planning, organizing, overseeing, and coordinating the daily activities of a designated operational entity of the law enforcement agency. For example, a lieutenant may be responsible for managing an entire a patrol shift. A lieutenant assigned to the patrol function may be referred to as the watch commander. They manage supervisory personnel (sergeants), and police officers who provide law enforcement services throughout the community. They also review and approve reports on incident and crime investigations. Lieutenants are charged with preparing monthly reports, reviewing problems in the work area or community in collaboration with sergeants, and implementing solutions.

Police Captain

A police captain is assigned within the law enforcement agency to a specific division, for example, the detective division, specialized division, patrol division, or the training division. A police captain assumes a more complex and difficult level of responsibility within his or her assignment. They are members of the command staff of an organization and are generally considered upper command. Captains are often referred to as commanding officers in many agencies. As a commanding officer of the patrol or detective division, the captain might be responsible for inspecting and overseeing the functions of the patrol officers and detectives to ensure compliance with the department policies, procedures, regulations, and standards. Captains may also supervise the administrative and support functions of non-sworn personnel. This might include inspecting personnel, facilities, and tactics for safety and/or training needs.

In addition to carrying out the duties noted above, in larger agencies captains may be assigned to specialized divisions such as narcotics, organized crime and vice, robbery/homicide, juvenile services, burglary/auto theft, and financial crimes and take on the responsibilities for the unique duties of each division. Captains perform increasingly responsible administrative duties such as reviewing budget requests, writing and reviewing policy and procedure, preparing budgets, and reviewing and preparing annual and division reports. They may also be involved in interviewing and hiring sworn and civilian personnel for the law enforcement agency. In smaller agencies, the rank of captain may be the second in the chain of command and directly under the chief of police. In larger agencies, there may be a major or deputy chief rank beyond the captain.

To be eligible for promotion to captain, one must have served at the rank of lieutenant for a specified number of years. In many law enforcement agencies, candidates for the rank of captain participate in an assessment center. An assessment center is a testing process in which candidates participate in a series of systematic, job-related, real-life situations while being observed and evaluated by experts in policing, supervision, and management.

Trained assessors observe candidates individually and in groups performing exercises and scenarios. These scenarios simulate conditions and situations a captain would encounter on the job. The police captain must be well versed in modern police principles, management, and leadership concepts and be proficient at planning and evaluating police programs and events. They must also have sound reasoning skills and the ability to analyze complex problems. Captains must be able work effectively with large constituencies both from within the law enforcement agency and the community. They should have impeccable written and oral communication skills.

Beyond Captain

Progressing beyond the rank of captain is highly competitive in most agencies. The fact is that there are a limited number of positions the higher one progresses up in rank in a law enforcement agency. Some agencies have the rank of major, which is the next step beyond captain. While other agencies do not have the rank of major, the next higher rank is deputy police chief. In smaller agencies, the next higher rank level from captain may be the chief of police.

Once a police officer makes the rank of captain, they are generally eligible for a police chief position, if they elect to enter that job market. It goes without saying that the larger the law enforcement agency, the more likely that a captain has gained greater management experience as compared to someone serving in a considerably smaller agency. It is common for captains serving in different law enforcement agencies from across the country to enter into the market for chief of police positions. One of the authors of this book (Birzer), recently, was a member of the selection board for the chief of police of a large law enforcement agency of over 700 sworn officers serving a community of 400,000 citizens. Several police captains and a few police lieutenants from across the United States applied for the position.

Deputy Police Chief

The deputy police chief is the second highest rank in the police department and reports directly to the chief of police. Generally, they can be promoted from the rank of captain, and this will vary by agency. The deputy chief is assigned as the commanding officer of major organizational components such as detective bureau, training bureau, internal affairs, or the field service bureau. The deputy police chief usually heads the regional command bureaus. In sheriff departments the undersheriff or chief deputy is the equivalent in rank to a deputy police chief.

Police Chief

The chief of police is the top official in the chain of command of a police department. He is the chief executive officer of the organization. In some jurisdictions, they may have the alternative titles of police commissioner, chief constable, and police superintendent. The chief of police is appointed by the city manager or mayor, or in some cases may be selected by the city commission. In a sheriff's department, the sheriff is the top rank. The majority of sheriffs in the United States are elected to office in most cases to four-year terms.

▶ Occupational Stress

Police work is full of stress. Whether it is police stress or police burnout, the results are the same—a broken individual. How the officer breaks can vary. It may be physical: heart attack, chronic ulcers, diabetes, severe dermatitis, or a host of other health-related problems induced by and resulting from extreme stress.

Police officers and members of their families consider their jobs to be one of the most stressful. It is hard to disagree with that assessment, as officers themselves report high

rates of divorce, alcoholism, suicide, and other emotional and health problems. No job is immune from **occupational stress**, but for the law enforcement officer, the strains and tensions experienced at work are unique, often extreme, and sometimes unavoidable. Fortunately, many law enforcement agencies, recognizing the high toll exacted by stress on officers and their families, are tackling it with an array of creative prevention and reduction strategies.

Dietrich (1989) identified what he considered the five progressive career stages of police stress and burnout. His findings are still relevant today. During the first period of an officer's career (0–5 years), the officer suffers alienation from the non-police world; in the second period (5–10 years), the officer suffers emotional shutdown and tends to block out everything but the police world. An emotional uncertainty is experienced during the third period (10–15 years), and an officer becomes unsure of how to start to express his or her emotions again to avoid experiencing the alienation and emotional shutdown of the early years on the force. The namelessness stage occurs in the fourth period of the officer's career (15–20 years) when an officer often finds a safe administrative niche and tries to perform useful service but is unable to fight the system. In the last period of a career (20–35 years), the officer attempts to maintain the status quo: The officer has a stake in not changing because there is too much that needs changing, the officer does not want to admit that he or she has failed, and the officer does not want to let the new officers down.

Over time, police officers may begin to exhibit stress and **cynicism**, especially those police officers who work in areas that have a disproportionate amount of crime. It is very easy when the officer sees so much crime on a daily basis to become cynical and develop an attitude problem. This problem is sometimes compounded with internal stressors within the police department. There are many anecdotal accounts from police officers relating that they are never really bothered from the stress of police duties in the field; it's the internal stressors within the department that become bothersome. Supervisors should be watchful for signs that an officer is developing a bad attitude toward the citizenry or other officers because this may lead to more serious problems. This may also be a sign that the officer is experiencing an excessive amount of stress and early intervention may be useful.

Excessive job stress and burnout can result from personal frustration and inadequate coping skills. **Burnout** is a psychological condition that is also referred to as burnout stress syndrome. Burnout has been found to be involved in a number of conditions, including physical, emotional, spiritual, intellectual, and interpersonal exhaustion (Iannone, Iannone, & Bernstein, 2014). Police officers can minimize some of the results of stress by proper mental and physical preparation for police duties.

occupational stress Stress related to a person's job. It can cause physical and mental tension. Occupational stressors in policing are many and often stem from unexpected responsibilities, pressures of the job, traumatic experiences, and shift work.

cynicism A modern cynic typically has a highly skeptical attitude toward social norms. In policing, officers may become cynical of the ritualistic purpose of police work and will tend to question the validity of a substantial proportion of beliefs, policies and procedures, and rules and regulations. Cynicism can affect the officer's productivity and impact the morale of other police officers.

burnout Job burnout is a form of stress that police officers may suffer to some degree at various times in their career. Burnout becomes critical when an officer is distressed and begins to feel fatigued and frustrated every day with no relief. In police culture, burnout is sometimes mistaken for an attitude problem.

Shift Work and Stress

Police officers graduating from the academy often find themselves assigned to the night shift—second or third shift and weekends and holidays. In many cases, this may last throughout their careers. The shift work can add to the stress of the police occupation. It can also take its toll on marriages and families. Unlike many other occupations, years of seniority on the police department will not necessarily keep you off the night shift and free from working the weekends. A newly promoted police lieutenant recently relayed to one of the authors of this book (Birzer) that he had 14 years of seniority on the department and assigned to the training academy training to recruit officers, which is an eight-to-five job with weekends off. The sergeant at the time was working at the academy for three years when to his delight the chief of police promoted him to lieutenant. He was pleased that his hard work and years of taking college classes and earning his degree around his work schedule finally paid off, but he found himself as a newly promoted lieutenant assigned as a watch commander to field patrol third watch and working weekends.

Causes of Officer Stress and Fatigue

The National Institute of Justice recently published a comprehensive report on police stress. Their report contains a goldmine of information centering on police stress. The following material was taken directly from their report:

> Enduring stress for a long period of time can lead to anxiety, depression or post-traumatic stress disorder (PTSD). PTSD is a psychological condition marked by an inability to be intimate, inability to sleep, increased nightmares, increased feelings of guilt, and reliving the event.

For law enforcement officers, stress can increase fatigue to the point that decision-making is impaired and officers cannot properly protect themselves or citizens. Factors that can cause stress and fatigue for law enforcement officers are as follows:

- Poor management
- Inadequate or broken equipment
- Excessive overtime
- Frequent rotating shifts
- Regular changes in duties, for example, spending one day filling out paperwork and the next intervening in a violent domestic dispute.

Individual factors might include the following:

- Family problems
- Financial problems
- Health problems
- Taking second jobs to make extra income

Fatigue can harm an officer's mental health by:

- Increasing mood swings
- Impairing judgment
- Decreasing an officer's adaptability to certain situations
- Heightening an officer's sense of threat
- Increasing anxiety or depression
- Increasing the chances of mental illness (e.g., officers may develop PTSD or bipolar disorder)

Fatigue can harm an officer's physical health by:

- Reducing eye–hand coordination
- Causing an officer to gain weight
- Causing pain (e.g., backaches, headaches)
- Making an officer unable to relax (e.g., cause restless sleep, provoke heightened alert response)
- Causing gastrointestinal problems (e.g., loss of appetite, abdominal distress, or ulcers)
- Damaging the cardiovascular system (e.g., causing heart disease, arteriosclerosis, or congestive heart failure)

Stress Prevention and Reduction

The most common method for preventing stress is to train officers to recognize its signs and sources and to develop individual coping strategies. Training both helps encourage officers and non-sworn personnel to use stress reduction techniques and services and removes the stigma frequently attached to seeking assistance.

Law enforcement officers usually do not speak up about how stress affects their lives. Most departments have an unspoken code of silence about the stress and strain that comes with police work. For most officers, the work ethic and culture of law enforcement appears to accept fatigue as part of the job. Additionally, police managers do not always see how overtime causes work-related injuries and accidents. Many police officers are willing to risk their health because overtime provides additional income. Some police agencies are trying to avoid officer fatigue by:

- Encouraging officers to engage in physical activity
- Encouraging officers to take time away from work
- Avoiding mandatory overtime hours
- Discouraging officers from taking on second jobs or moonlighting
- Creating schedules and policies that minimize overtime and shift rotation
- Using technology or policies that reduce overtime (e.g., using laptop devices in cars to write reports, using a "call in" reporting system to deal with certain calls for service, and allowing officers to process paperwork on calls for service at a later time)

Summary

- Police work is a rewarding but challenging career and presents those called to the profession a chance to provide an invaluable service to the community.
- Police officers are required to exhibit the highest level of bravery and sound decision-making in the performance of their duties.
- Despite several highly publicized police shootings in recent years that have ignited racial tensions and a robust debate about how police can best de-escalate situations, the public's confidence in the police appears to have improved when compared with other U.S. institutions.
- When examining citizen confidence in the police racial minorities have less confidence in the police compared to whites.
- Some have identified the warrior mindset as one factor for racial minority groups having low confidence in the police.
- The Final Report of the President's Task Force on 21st Century Policing was created to strengthen community policing and trust among law enforcement officers and the communities they serve. Their mission was to examine ways of fostering strong, collaborative relationships between law enforcement and the communities they protect.
- The President's Task Force Report made 59 recommendations, grouped under six broad pillars for how policing practices can promote effective crime reduction while building public trust, providing a road map for the future of policing and community-police relations.
- The President's Task Force Report recommended that police officers embrace a guardian mindset to build trust and legitimacy both within agencies and with the public.
- Police recruitment is the process of locating, identifying, and attracting capable applicants who have the minimum qualifications to be eligible for the selection process.
- Recruitment programs should include targeted recruiting efforts with the objective to encourage people from diverse populations and situations in life to consider careers in law enforcement.
- Law enforcement recruitment programs have not always been successful at attracting racial minorities for the police service.
- Diversity now means more than embracing variations in race, ethnicity, and gender; it also encompasses variations in age, language skills, culture, religion or belief system, and sexual orientation.

- The police selection process is the process of winnowing down the applicant pool in order to identify the most qualified for police service through a series of tests and background investigations.
- After a candidate successfully completes the selection process, and offered employment as a police officer, they are required to attend the police academy where they will be trained in essential skills needed to perform the job of police officer.
- After a police recruit graduates from the academy they enter into a field training program where they will be assigned to a field training officer.
- Police officers are required to attend in-service training throughout their careers. This varies depending on the state, but is usually around 30 to 40 hours of training per year.
- The *Brady v. Maryland* case requires that prosecutors disclose materially exculpatory or impeaching evidence in the government's possession to the defense. This is often referred to as Brady material or evidence the prosecutor is required to disclose.
- The *Giglio v. United States* case expands the Brady decision and requires prosecutors to disclose the information in which a defense attorney could use to impeach a witness. This includes police officers.
- Rising in rank in law enforcement agencies means taking on additional responsibilities for the supervision and/or management of departmental personnel or resources.
- The police sergeant performs the day-to-day supervision of police officers in the field who are carrying out the mission of the law enforcement agency.
- To progress up in police rank candidates go through a thorough promotional testing process involving written tests, oral interviews, and for some positions in upper command, an assessment center.
- Police officers and members of their families consider their jobs to be one of the most stressful.
- Police officers report high rates of divorce, alcoholism, suicide, and other emotional and health problems due to the stress of the job.
- The most common method for preventing stress is through effective training. Training should focus on recognition of the signs and sources of stress, and individual coping strategies.

Classroom Discussion Questions and Activities

1. What are the characteristics and qualities desired in police officers?
2. What are the six pillars that came out of the President's Task Force on 21st Century Policing? Which one do you think will present the most implementation challenges?
3. Why is it difficult to recruit racial minorities for the police service?
4. What are the general components of the selection process?
5. What are some of the causes of officer stress and fatigue?

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CHAPTER OUTLINE

- Introduction
- A Sketch of the Police
- Development of Police Patrol
- The Purpose of Police Patrol
- Differential Response
- Effectiveness of Police Patrol
- Reactive, Proactive, and Coactive Policing
- Organizational Features
- Types of Police Patrol
- Allocation of Patrol Personnel
- Special Tactical Teams
- Managing and Supervising Patrol Activities
- Summary

2 Police Patrol: The Backbone of Policing

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Explain the differences between police operations during the three eras of policing.*
- *Discuss the influence of the English policing system on U.S. policing.*
- *Explain the purpose of police patrol.*
- *Describe reactive, proactive, and coactive policing.*
- *Explain how a police department is organized.*
- *Identify the variety of police patrol methods.*
- *Discuss factors that should be considered in the allocation of police patrol.*

▶ Introduction

Mrs. Smith, a 75-year-old widow, is awakened from a deep sleep one warm summer evening. Half asleep, she glances at the digital alarm clock sitting on the nightstand beside her bed. The large red digital display reads 2:00 AM; Mrs. Smith hears a noise coming from her backyard. A few seconds later she hears the noise again. It sounds like someone breaking into the storage shed where she keeps her lawn mower and other lawn equipment, along with some of her late husband's tools, which are worth a lot of money. Mrs. Smith is terrified. She frantically reaches for the phone and dials 911. She is so shaken that it takes her two times to dial 911.

After two rings, the dispatcher answers and asks for the nature of the emergency. Mrs. Smith whispers to the dispatcher that she thinks someone is breaking into the storage shed in her backyard. The dispatcher calmly asks Mrs. Smith pertinent questions, while at the same time assuring her that police officers have been dispatched to her home and should arrive shortly. After several minutes, the dispatcher informs her that a **police officer** has just arrived at her residence and will be checking the backyard shortly. Mrs. Smith peeks out of her bedroom window into the backyard and is relieved when she sees the illumination of flashlights and hears the crackling of police radios in the night. She sees two police officers shining their flashlights on the shed. A few moments later she is contacted by a police officer. The police officer informs her that it appears someone was trying to break into the shed, but that they must have been scared off before gaining entry. The officer informs Mrs. Smith that she shouldn't worry because the chances are minimal that the criminal will return to finish the theft. The officer then advises her that the police will step up patrols in her neighborhood through the rest of the night. The officer pulls out his field notebook and asks Mrs. Smith a number of questions for the official police report.

police officer A member of a police department who is sworn to make arrests and carries a firearm. A police officer performs general patrol and/or special law enforcement assignments in the protection of life and property; enforces city, county, and state laws and regulations; performs a variety of activities and operations associated with crime prevention, traffic enforcement, crime/accident investigation and reporting, and related law enforcement areas; and performs related duties and responsibilities as required.

Police patrol officers respond to crimes in progress as well as a variety of many other nonemergencies on a daily basis in the United States. According to the Bureau of Justice Statistics, there are approximately 10 million violent crime and property victimizations reported to the police each year. Violent crime is reported to the police at a higher percentage than personal theft (pocket picking and purse snatching) and property crime.

The police are charged with the prevention and detection of crime and the apprehension of offenders. They are responsible for the protection of citizens and the preservation of civil order. Police are considered by many as the "thin blue line" between order and disorder, between good and evil; others have a less flattering description of the police. Perceptions of the police, in large part, are shaped from people's experiences with them. We demand a lot from our police.

This chapter provides a broad overview of police functions and is a foundation for other chapters in the book. Most of the topics that are introduced in this chapter are covered to a greater extent throughout the book.

▶ A Sketch of the Police

Police officers have exceptional responsibilities. They have the authority to arrest and take people's liberties from them. They have the authority to stop drivers and to issue traffic citations that may cost a great deal, in terms of money to pay the fine and the time to appear in court. Police officers have the authority to use reasonable force, if necessary, to protect life and property. The police are also authorized to use the ultimate force, deadly force, to defuse a life-threatening situation. Think about this for a moment: What other professions allow their employees to justifiably take a human life? The decision to use deadly force is often made in a split second. Police officers don't have the luxury of researching what is

the best course of action in dealing with a potentially life-threatening situation. Quite the contrary, they have to act immediately, as their failure to do so can be disastrous.

We expect the police to settle our problems and settle them quickly. It has been said that "we love to love them," and "we love to hate them". When carrying out the police mandate of preserving and safeguarding life and property, the police are sometimes caught in the not-so-enviable position of "damned if we do, and damned if we don't."

The largest and most visible component of any municipal law enforcement agency is the patrol section, which consists of officers working in uniform 24 hours a day, 365 days a year. Patrol officers handle service calls in motor vehicles, on horseback, or on foot. Patrol is the essence of the police mission. Police patrol is considered the backbone of the police department. Although all aspects of the police organization have the responsibility of meeting the organization's mission, patrol usually takes the lead in this effort due to its size and visibility. In most cases, a citizen's only contact with the police department is with the men and women performing the patrol function. A great deal of this contact will be for traffic-related matters, such as stopping a motorist for speeding, running a red signal light, having a brake light burned out, and so on.

In many organizations, the patrol section also accepts the responsibility for the functional supervision of other units of the department during nontraditional working hours; for example, supervision of the Communications unit or Records Unit may be provided by patrol supervisors between midnight and 8:00 AM or during weekends and holidays when police management personnel are not on duty.

Sometimes it is helpful to use a business analogy to describe policing. A business delivers some product or services to the customer; for example, your automobile insurance agent delivers automobile insurance to you. He or she makes sure that you are satisfied with your insurance policy and addresses concerns you may have about a particular clause in your policy. If you are involved in a vehicle accident, your agent would complete the necessary paper work and secure the reimbursement to repair your car. If the agent does a poor job of delivering these services to you, you may shop around for another insurance company.

Uniform Crime Report (UCR) The Uniform Crime Reports are crime indexes, published annually by the Federal Bureau of Investigation, which summarize the incidence and rate of certain reported crimes within the United States.

In much the same way a business delivers services to customers, police departments deliver services. Like the insurance agent who is on the front line for an insurance company, the men and women of the patrol force are on the frontline and deliver services to the citizens. These services are very broad. Citizens can't hire another police department like they can hire another insurance company if they are dissatisfied with the service they have received; however, if a police department has a tendency to deliver poor services to the citizenry, then this may cost the police agency dearly in terms of public and political support. Public and political support is necessary, especially when the police are trying to make an effective argument for budget increases. If the citizens are satisfied with the police department, this may result in more voluntary compliance with laws and ordinances.

Unlike other public agencies, the police are faced with many more challenges that center on public safety and welfare. The police respond to a wide variety of criminal-related calls, noncriminal-related calls, and service-related calls. The police department is one of the few governmental agencies that a citizen can call 24 hours a day, seven days a week, and almost always be assured of getting a human response in the form of a police officer in a matter of minutes. Perhaps a better way to illustrate the wide variety of calls that the police handle is to take a brief look at the **Uniform Crime Report (UCR)** and the **National Incident-Based Reporting System (NIBRS)**.

National Incident Based Reporting System (NIBRS) This is a crime reporting system used by law enforcement agencies that captures details on each single crime incident, as well as on separate offenses within the same offense. This includes information on victims, known offenders, and relationships between victims and offenders.

The UCR is a collective effort on the part of city, county, tribal, and federal law enforcement agencies to present a nationwide view of crime. At some point, you have probably heard a media account that goes something like this: "The FBI reports that violent crime is down 6 percent." Basically, this means that the UCR data show that violent crime is down. The Department of Justice and, specifically, the Federal Bureau of Investigation (FBI) manage the UCR system. Law enforcement agencies that participate in the UCR

provide the FBI with summarized reports on offenses known to law enforcement and on persons arrested. Also included in the UCR is information about the number of law enforcement officers killed and assaulted and information on hate crimes.

In recent years, there has been effort to expand the UCR system. This has led to the development of the National Incident-Based Reporting System. The NIBRS is an incident-based reporting system for crimes that are known to the police and actually perfects the UCR. The NIBRS collects data on each single incident and arrest within 22 offense categories made up of 46 specific crimes called "Group A offenses." For each of the offenses coming to the attention of law enforcement, specified types of facts about each crime are reported. In addition to the Group A offenses, there are 11 Group B offense categories for which only arrest data are reported. For each crime incident, a wide variety of data are collected about the incident. The data may include the nature and types of specific offenses in the incident, characteristics of the victim(s) and offender(s), types and value of property stolen and recovered, and characteristics of persons arrested in connection with a crime incident. The NIBRS provides much more detailed and comprehensive data regarding crime incidents when compared to the traditional UCR.

The following offense categories, known as Group A offenses, are those for which extensive crime data are collected in the NIBRS:

1. Arson
2. Assault offenses—aggravated assault, simple assault, intimidation
3. Bribery
4. Burglary/breaking and entering
5. Counterfeiting/forgery
6. Destruction/damage/vandalism of property
7. Drug/narcotic offenses—drug/narcotic violations, drug equipment violations
8. Embezzlement
9. Extortion/blackmail
10. Fraud offenses—false pretenses/swindle/confidence game, credit card/automatic teller machine fraud, impersonation, welfare fraud, wire fraud
11. Gambling offenses—betting/wagering, operating/promoting/assisting gambling, gambling equipment violations, sports tampering
12. Homicide offenses—murder and nonnegligent manslaughter, negligent manslaughter, justifiable homicide
13. Kidnapping/abduction
14. Larceny/theft offenses—pocket-picking, purse-snatching, shoplifting, theft from building, theft from coin-operated machine or device, theft from motor vehicle, theft of motor vehicle parts or accessories, all other larceny
15. Motor vehicle theft
16. Pornography/obscene material
17. Prostitution offenses—prostitution, assisting or promoting prostitution
18. Robbery
19. Sex offenses, forcible—forcible rape, forcible sodomy, sexual assault with an object, forcible fondling
20. Sex offenses, nonforcible—incest, statutory rape
21. Stolen property offenses (receiving, etc.)
22. Weapon law violations

There are 11 additional offenses, known as Group B offenses, for which only arrest data are reported. These are as follows:

1. Bad checks
2. Curfew/loitering/vagrancy violations
3. Disorderly conduct
4. Driving under the influence
5. Drunkenness
6. Family offenses, nonviolent
7. Liquor law violations
8. Peeping Tom
9. Runaway
10. Trespass of real property
11. All other offenses

Police officers working in local police departments constitute the majority of the sworn police officer population in the United States. A sworn police officer is someone who has taken an oath, carries a badge and a gun, can arrest and use reasonable force to do so, and is employed by a governmental entity, for example, by the City of Los Angeles or the City of Houston. Police departments range in size from 40,435 officers that serve in the New York City Police Department to one-officer departments in smaller cities. The Bureau of Justice Statistics estimates that approximately 461,063 full-time sworn officers work in city police departments in the United States. Half of all police departments have 10 or less sworn officers, and some departments have only one officer employed. Do you find this hard to believe? If so, maybe this will help: Take a moment and think about the state where you live. How many major police departments can you think of that employ hundreds of police officers? You may be able to identify a few; however, you can probably identify a great many more police departments that employ fewer police officers, maybe 50 or less, and probably many that only employ 10 or less police officers.

In a typical police department, the law enforcement agency prevents crime, investigates crimes, apprehends criminals, maintains order, and provides other miscellaneous services. A great many of these services are handled by the patrol function. Thus, it stands to reason that a substantial amount of a police department's operating budget is expended on patrol operations. In addition, the majority of personnel within a police agency are assigned to police patrol. Local police departments employ over 593,000 people full time, including about 461,063 sworn personnel (Bureau of Justice Statistics, 2016a). Sworn personnel are those personnel that have general arrest powers. Sheriffs' offices have about 353,451 full-time employees, including 182,979 sworn personnel (Bureau of Justice Statistics, 2016a).

▶ Development of Police Patrol

The English Influence

The U.S. system of policing has its roots in Great Britain. The word "patrol" in early English meant to "walk or paddle in muddy water." There are several versions of how the word became associated with law enforcement. One popular version is that the police are "walking in muddy water" when they patrol the community looking for the dirty (criminal) aspects of its citizens. Patrolling is the most visible part of police work, and many citizens' opinions of the quality of the local police department are based on their observations of and contacts with police patrol officers.

Police patrols in the United States have not always operated around the clock, 24 hours a day, seven days a week. In fact, early police patrols were operated by citizen volunteers. Of course, you can probably identify many problems with this type of system. For one, the citizens had no training in police patrol operations. The citizens who performed the voluntary patrol duties were sometimes called "the rattle watch." They patrolled the city's streets equipped with weapons, green lanterns that were used to identify them, and wooden rattler sticks (wooden rattlers). Wooden rattlers were used to make noise, to literally shake and rattle the stick at the first sign of trouble. The rattling procedure was used as a device for warning citizens of a potential threatening situation, at which time they would gather in certain parts of the city to deal with the problem.

Citizens would also use the rattle upon learning of a fire in the community, at which time bucket-brigades were formed. Bucket-brigades were volunteers who would form lines at the nearest water supply, fill buckets with water, and pass them down a line until they reached the actual fire scene. When citizens were not on night watch patrol, they returned home and conspicuously hung the lantern on the front of their home to show everyone that a night watchman lived there.

The U.S. "wooden rattle" system was similar to the English tradition of the "watch and ward" with its emphasis on the "Hue and Cry." In fact, the most popular model on which U.S. police departments were measured was the London Metropolitan Police (Carte & Carte, 1975). As noted earlier in this chapter, the U.S. police actually adopted many features of the British system of policing for use in U.S. cities.

In the English tradition, when the "Hue and Cry" was raised (day or night) for any felony, a complaint about the crime was lodged immediately by men who were subjects of the king, until the person pursued was captured. In some cases, there were fines issued by the Court if the subjects were not captured. Imagine for a moment if the mayor of a U.S. city fined the police department for every crime that is not solved. In a contemporary society, this is an absurd notion. The "Hue and Cry" was the act of an individual who would alert the neighborhood to the recent commission of a crime, and sometimes entailed raising public support for pursuit or arrest of the criminal.

Much of the policing reforms in England that took place around 1829 were started by the English Home Secretary Sir Robert Peel. Sir Robert Peel is considered the father of modern-day policing. When Peel was named Home Secretary in 1822, he recognized that policing in London was in dire need of reform. Peel jumped in with zest into the duties of his new position. Sir Robert Peel proposed a bill in the English Parliament titled "London Metropolitan Police Act" or, as it is sometimes referred to, "The Peelian Reform," which was subsequently passed and became law in 1829. The bill outlined a plan to reform the London Metropolitan Police.

As a result of Peel's reform, the new metropolitan police force became known as "Peelers" or "Bobbies," named after Sir Robert Peel. Peel's principles of policing are the foundation on which today's U.S. community policing movement is based. Peel is credited with many concepts currently being used in the U.S. community policing, including the following:

- The basic mission of the police should be to prevent crime and disorder.
- Police must perform their duties subject to public approval.
- Police need the cooperation of the public in order to secure and maintain public order.
- Police in performing their duties must demonstrate impartiality.
- Police should not use force unless absolutely necessary.
- The test for success of the police is the absence of crime and disorder.

Peel's principles on policing include the following:

- Every police officer should be issued a badge number, to ensure accountability for their actions.
- Whether the police are effective is not measured on the number of arrests, but on the lack of crime.
- The proper training of police is at the root of efficiency.

It is important to keep in mind that Robert Peel proposed the policing reforms in 1829. Many of his ideas were thought to be radical for the time. In many respects, U.S. policing is a product of its English heritage. The English fingerprint is on many other aspects of the U.S. criminal justice system, too. When the British colonists brought their criminal justice system to the colonies, they included the English common law, the high value placed on individual rights, the court system, and law enforcement institutions. Many of Robert Peel's principles can be found in U.S. police protocol; for example, Peel proposed that all police officers should be issued a badge number to ensure accountability for their actions. The next time you see a police officer, take a close look at his or her badge—there is a good chance you will see the badge number. From an operational standpoint this makes sense, as in many situations a citizen may not be able to obtain an officer's name, but the conspicuous badge number will make the officer identifiable. Not only do police officers have a badge number, but most agencies assign officers an identification number that is used on official police reports and for personnel records.

Bobbies In 1822 Robert Peel became Home Secretary of England. As Home Secretary, Peel created the London Metropolitan Police in 1829. At first they were known as the new police; later they became known as "bobbies" in reference to Sir Robert Peel's nickname.

Robert Peel also advocated that training was an important aspect for proper police efficiency. Training is the lifeblood of U.S. police departments and the number of hours of academy training has increased drastically over the years. In most departments, police officers are required to attend formal recruit academy training prior to assuming police duties. The Bureau of Justice Statistics (2016b) reported that new local police recruits were required to complete an average of 840 hours, or 21 weeks of training, not including field training. The Los Angeles Police Department requires recruits to complete eight months of academy training.

Sir Robert Peel (1788–1850)

Sir Robert Peel was born in Lancashire, the son of a middle-class manufacturer. In 1822, Robert Peel became Home Secretary of England. As Home Secretary, Peel created the Metropolitan London Police in 1829. Today, all police officers in Britain are commonly referred to as "**Bobbies**." Originally, they were known as "Peelers," as they were the creation of Sir Robert Peel. They were also referred to as "Bobbies" after Robert. The first thousand of Peel's police, dressed in blue tailcoats and top hats, began to patrol the streets of London in September 1829. The Peelers were issued a wooden truncheon carried in a long pocket in the tail of their coat, a pair of handcuffs, and a wooden rattle to raise the alarm. By the 1880s, this rattle had been replaced by a whistle. In 1829, Robert Peel's Metropolitan Police Act was passed; this provided permanently appointed and paid police constables (the Peelers). Known as the father of modern policing, his Peelian principles defined the ethical requirements that police officers must follow in order to be effective. His most memorable principle is: The police are the public, and the public are the police.

On average, about three-quarters of training hours were state mandated, with the remainder an agency requirement. Likewise, most states require police officers to receive a certain number of in-service training hours each year to maintain their law enforcement certification (Bureau of Justice Statistics, 2016b).

Although the history of U.S. policing is sketchy, due to the lack of records kept by many police departments, the development of the police patrol can best be framed on three major eras: (1) the Political Era, (2) the Reform Era, and (3) the Community Policing Era.

The Political Era

The **Political Era** of policing from the 1840s until the 1930s was the bedrock of early U.S. policing. During this time, policing was dominated by political control. There were close ties between the police and politicians. Carte and Carte (1975), in their informative book on police reform in the United States, describe the era as marked with graft, brutality, and incompetence. Police officers were haphazardly selected and trained, and under constant political pressure to enforce the laws according to the interest of politicians. The chief requirement for appointment to police service appeared to be political connections (Fogelson, 1977). Police officers were basically given a night stick and a badge and told to go police the city with absolutely no formalized training or education (Walker, 1998). During the Political Era, police officers were severely underpaid.

Political Era An era of American policing that spanned the period from the 1840s until around the 1930s. This era was the bedrock of early American policing. During the Political Era, policing was dominated by political control. During this era, there were close ties between the police and politicians. Photo 2-1 ■ is a picture of a police car in the 1930s.

PHOTO 2-1 A 1930s police car—looks similar to a gangster car.
Ivan Cholakov/123RF

The Reform Era

The 1930s brought about the spark for reform in U.S. policing. This period, which spanned the years from the 1930s until the 1970s, was appropriately named the **Reform Era**. Factors that sparked the Reform Era included political corruption, the general ineffectiveness of the police in dealing with crime, and recommendations made by the Wickersham Commission report.

Reform Era An era of American policing that sought to correct the inherent problems created by the Political Era. The Reform Era emphasized an organization indoctrinated along traditional lines: highly centralized, bureaucratic, and designed on the premise of divisions of labor and unity of control.

PRACTICE HINTS

The Political Era of American policing was an era marked with corruption and political influence. The general effectiveness of the police was poor. In 1929, President Herbert Hoover formed the National Commission on Law Observance and Enforcement as a result of the crime problem of the 1920s. Part of the commission's study undertook the first national assessment of policing in the United States. The commission, which is most often referred to as **the Wickersham Commission**, was named after its chairman, George W. Wickersham, former U.S. Attorney General. The commission's report was published in 1931 and criticized the police for their failure to effectively deal with crime in the United States. The report chastised police for their general failure to detect and apprehend violent criminals. Even more indicting was the commission's criticism that the police lacked restraint when dealing with criminal suspects. Many suspects were beaten as a matter of routine, or worse yet, tortured in order to extract information. Specific tactics included protracted questioning, threats and other methods of intimidation, physical brutality, illegal detention, and refusal to allow access to legal counsel. The report declared that "the third degree is a secret and illegal practice."

Wickersham Commission
President Herbert Hoover created the National Commission on Law Observance in 1929. The commission became known as the Wickersham Commission after its chair Attorney General George Wickersham. The committee was created to study law enforcement and the judicial system.

In 1929, President Herbert Hoover formed the National Commission on Law Observance and Enforcement as a result of America's concern over crime and disorder, particularly criminal gangs and mobs. It was the first national study on the criminal justice system. The commission came to be known as the Wickersham Commission, named after its chair, former U.S. Attorney General George Wickersham. The Commission published its report in 1931. Volumes 2 and 14 were concerned primarily with the police; for example, in volume 14, *The Police*, sweeping changes were proposed that the police could use as a guide to create a professional police force. Among the many recommendations made by the commission was the need for improvements in police training and personnel selection, organization, and management.

The reform model of policing, or professional model (as it is sometimes referred to), emphasized an organization structured along traditional lines: highly centralized, bureaucratic, and designed on the premise of divisions of labor and unity of control (Kelling & Bratton, 1993). The reform model of organization was modified and refined by Reform Era police chiefs, most notably August Vollmer and Orlando Winfield (O. W.) Wilson. This model represented a reaction to the rampant corruption and other inequities that had plagued U.S. policing since its early days (Birzer, 1996).

To reduce the contaminating effects of local ward politics on line officers, the reform model centralized authority in police headquarters. To alleviate favoritism and petty corruption in neighborhoods, the reform model established beats and revolving assignments for patrol officers. To ensure officers performed their assigned duties, the reform model instituted a military-style structure of authority and discipline. To encourage personnel to follow the rules established by headquarters, proponents of the reform model believed that line-level officers should adhere to a rigid chain of command and be supervised closely through massive amounts of written policy pronouncements.

During the Reform Era, the main objective of police operations became crime control. Social service–related functions were emphasized less and were thought of by many police authorities as not real police work. This differed greatly from the Political Era, where social service–related activities were deemed important and the police performed many social service functions. One of the goals of these reforms was that police officers would not become too close to the citizens for fear of the influence of corruption and graft (Walker, 1998). The characteristics of the reform model of policing were as follows: rapid response, efficiency, paramilitary organizational style, crime control, professional crime fighting, and police resources that focused much energy on arrests.

The reform model of policing for the most part accomplished what it was supposed to accomplish. It was very effective in reducing the contaminating effects of politics and in

increasing the professional status of the police; however, as you might imagine, police agencies during the Reform Era became out of touch with the citizens. In fact, reform-minded police leaders became so intent on shielding their agencies from political influences that police departments grew into some of the most detached and self-reliant public organizations in government.

Because the reform model was driven by technology and new scientific processes (police patrol cruisers, two-way radios, etc.), it greatly improved the ability of law enforcement agencies to investigate crimes that had been committed (Birzer, 1996); however, for much the same reason, it reinforced the estrangement of police officers from the citizens they served.

To address the problems that the Reform Era created, and as a result of research on police practices during the 1970s, police agencies began to initiate the changes required for the third policing era, community-oriented policing.

Conclusions on Policing

Some interesting opinions that researchers have concluded regarding policing include the following:

- Increasing the number of law enforcement officers does not lower the crime rate nor does it increase the proportion of solved crimes.
- Saturation patrol displaces crime rather than reduce it.
- One-officer patrol cars are as effective as two-officer patrol cars.
- Most crimes are solved by immediately apprehending suspects or by witnesses who identify the individuals involved in the crime.
- Few crimes are solved by criminal investigations.
- Rarely do officers on patrol encounter violent crime; generally, those crimes are reported by victims and witnesses.

Community Policing Era

Community-oriented policing represents a shift from more traditional law enforcement because it focuses on prevention of crime and the fear of crime on a local basis. The **Community Policing Era** put law enforcement professionals on the streets and assigned them a beat so they could build mutually beneficial relationships with the people they serve. By earning the trust of the members of their communities and making those individuals stakeholders in their own safety, community policing makes law enforcement safer and more efficient.

Community Policing Era A currently evolving era of policing that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police–community partnerships.

Community policing focuses on crime and social disorder through the delivery of police services that include aspects of traditional law enforcement, as well as prevention, problem solving, community engagement, and partnerships. The community policing model balances reactive responses to calls for service with proactive problem solving centered on the causes of crime and disorder. In order for community policing strategies to work, police and citizens must join together in addressing public safety and disorder problems. The core components of community policing are summarized in Table 2-1 ■.

Police officers operating under a community policing strategy are expected to work with the community to solve problems at the root level. Let's suppose that police officer John Q. Smith, who has been working the same beat every day for the past four years, reports for work one afternoon. He listens attentively to the sergeant as he reads from the daily bulletin about several burglaries that occurred during the previous shift in the beat area where Officer Smith works. Officer Smith decides to take some extra initiative, having just attended community-oriented policing training, by doing some initial scanning and analysis of the burglary problem. As a result of his scanning and analysis, he discovers that all of the burglaries were reported to have

TABLE 2-1 Components Used with Community Policing

Organizational Elements	Operational Elements	External Elements
Philosophy adopted organization-wide	Enforcement of laws	Public involvement in community partnerships
Decentralized decision-making and accountability	Proactive, crime prevention–oriented problem solving	Government and other agency partnerships
Fixed geographic accountability and generalist responsibilities		
Utilization of volunteer resources		
Enhancers		

Source: U.S. Department of Justice, Office of Community Oriented Policing. Retrieved September 11, 2006, from cops.usdoj.gov.

occurred between 9:00 AM and 3:00 PM, or as police officers sometimes refer to them, "daytime burglaries." Officer Smith examines other calls that occurred on his beat during the previous watch and he can't help but notice that the local middle school called in a report about three students who have been truant from school several times in the past few weeks. He also notices that on the day the burglaries occurred, the school called in and reported the three students as truant. Officer Smith asks himself: Could the truancies be related to the burglaries? This is exactly what police officers operating under the community policing philosophy are required to do. In essence, police officers are required to become street-level criminologists.

It is recognized that the police alone cannot solve all of the crime-related problems that exist in our society, and that citizens can help the police tremendously in the resolution of crime and disorder problems. Community policing requires new and innovative approaches in tackling crime. According to Professor Lawrence Sherman (1996), a more sensible approach to policing violent crime would conform to the following model:

- Map out the nature of the problems, classifying them into different categories and subcategories according to their most important characteristics.
- Determine the possible causes of each subcategory of a violent crime problem, separating those causes that police can affect and those causes that are beyond police control.

VOICES OF EXPERIENCE

PATROL OFFICER

Excerpts from an interview between Cliff Roberson and retired police chief, Tom Mahoney. Professor Mahoney is currently the chair of administration of justice, Santa Barbara City College, Santa Barbara, California.

Q: What does it take to be a good patrol officer?

A: Patrol was always a challenge, but I learned it could be a lot of fun if you were an aggressive and curious police officer. And being a good patrol officer became an opportunity for me to promote later into other assignments such as investigations and undercover narcotics.

A good patrol officer has to be intensely curious. Now, being curious is different from being suspicious. "Curious" is looking at people and at their surroundings and asking yourself, "What's wrong with this picture?" Sometimes there's something wrong, sometimes not. "Suspicious" is looking at someone *knowing* they're doing something wrong and putting a good case together. While being "suspicious" is always needed to keep you alert and safe from the bad guys, the real key is curiosity. I always wanted to know why people behaved the way they did, why a person was at a certain location at a certain time, and

what was it that made something seem out of place. Honestly, it was really the power of developing the subconscious mind. It's like walking into a room and immediately sensing that something is out of place and, at first, not being able to put your finger on it. The subconscious tells you something is wrong; the conscious mind lets you solve the puzzle. A sense of curiosity and an active and well-trained subconscious mind helps make a good patrol officer.

Secondly, a good patrol officer must want to provide a service to the community. It is not just a paycheck. The officer must have the right attitude. You can be curious, and suspicious, but you must always be mindful of the rights of others. No officer is above the law, and no person, even a criminal, lacks the protections of the law.

A cop must also remember that, when he or she gets off-duty and goes home to the family, "the job" is a separate part of his or her life and the family does not need to deal with any related problems and stress. It's not keeping secrets from your family, it's protecting them. The world of policing can be a nasty place. The job is best kept in the station house after you have hung your uniform in the locker and left. You don't stop being a police officer, but there's a life outside of policing. A good cop learns to enjoy that life. It's a challenge, but it can be done.

Source: Used with permission of Tom Mahoney, Retired, Chair of Administration of Justice, Santa Barbara City College, Santa Barbara, California.

- List all of the possible police tactics or strategies that could affect any of the causes of the specific crime problem and develop an overall strategy that focuses on what appear to be the most potent (yet tractable) causes.
- Conduct field experiments to test the strategy and measure its effect on the specific crime problem (Sherman, 1996, 28–29). Photo 2-2 ■ depicts a community policing unit located in Times Square, New York City.

The assumption of how the police should deal with crime has changed as community policing evolved; for example, during the Reform Era, citizens took a more passive role in ensuring neighborhood safety and preventing crime. It was always left up to the police; they were the master crime fighters. Citizens basically stayed out of the way and the let the

PHOTO 2-2 A community policing unit located in Times Square in New York City.
David Ball/Alamy Stock Photo

PRACTICE HINTS

Community policing has a positive impact on reducing neighborhood crime, reducing the fear of crime, and enhancing the quality of life in the community. It accomplishes these things by collaborative efforts of many resources, including the police, local government agencies, and community members. An important ingredient in community policing is problem solving. Problem solving identifies the concerns that community members feel are most threatening to their safety and well-being. These areas of concern then become priorities for collaborative police–community interventions.

police do their jobs. Today's police officers are expected to work closely with citizens to solve crime problems. Police officers are expected to be resourceful, catalysts, and to utilize other resources within the community. These resources may be the health department, the fire department, clergy, school teachers and principals, citizens living in the affected area, and any other resources imaginable that may be useful in solving a neighborhood problem.

A few years ago, one of the authors (Birzer) was asked to assist a medium-sized sheriff's department located in the Midwest in an assessment of their community policing philosophy. There were several problems that were readily observed in the implementation phases of community policing in this department. One problem was that after deputies completed the initial community policing training there was no implementation policy for police operations beyond the training. In other words, nothing changed. After one training session, one of the police officers related the following: "This community policing stuff isn't really real police work." One other participant commented that "the training was a waste of time because the brass will never let this stuff happen." They were right. In this case there was no commitment from the organization's command staff. There were absolutely no organizational transformation issues planned to support community policing, nor did the deputies and field supervisors have the authority to make needed decisions about problem solving in the field. This may not be an anomaly for this sheriff's department, and may indeed be the case in other law enforcement agencies. Community policing and problem-solving strategies will be discussed in greater detail in Chapter 4.

▶ The Purpose of Police Patrol

At this point in the chapter you should begin to realize that the majority of law enforcement functions are carried out by field patrol. Many years ago, O. W. Wilson, who was perhaps the leading architect of the professional model of policing, wrote that "the basic purpose of police patrol is the elimination of the actual opportunity (or the belief that the opportunity exists) for successful misconduct" (Wilson & McLaren, 1977, 320). Wilson and McLaren described this activity as crime suppression and believed that the likelihood of arrest influenced the degree to which the potential offender is convinced that the opportunity for successful misconduct is absent. Wilson believed that opportunity reduction, which is best achieved by the impression of an "omni police presence" created by conspicuous police patrols, was the best prescription to suppress crime. There can be little argument today that the purpose of patrol is still in large part to eliminate the opportunity for crime and to suppress crime.

Crime Control

Crime control is the obvious purpose of the police. The mere observation of the police taking an enforcement action illustrates crime control. Unfortunately, it is also a revelation that crime prevention efforts have failed. Crime control is most often associated with the patrol function. Patrol officers represent the frontline of crime control efforts by responding

O. W. Wilson

Orlando Winfield (O. W.) Wilson is credited as being the lead architect of the professional police movement from the 1920s through the 1960s. Wilson served as chief of police in Fullerton, California, and Wichita, Kansas, and superintendent of police in Chicago, Illinois. During Wilson's tenure as chief of police in Wichita, Kansas (1928-1939), he introduced many innovative approaches to law enforcement. These included techniques for the allocation and distribution of patrol manpower; new records and communications systems; a comprehensive planning program; advances in recruitment, selection, and training; and many other innovations. Also, while in Wichita, he led the shift from foot patrol to automobile patrol, as well as conducting the first study of the effectiveness of one-officer squad cars.

to incidents of crime, as well as self-initiated arrests of offenders. You may be surprised to learn that only a minority of the calls that police are assigned to handle involve crime, and police spend far more time answering service-related calls (Whitaker, 1982). Professor David Bayley contends that policing is full of myths, and one long-standing myth is that the police are primarily crime fighters (Bayley, 1994).

So, why do so many citizens perceive that the police are in a daily battle responding to robbery call after robbery call? There are many reasons for this perception, and the entertainment media is one of the leading culprits. The television cop shows depict the glamorous crime-fighting role of the police and rarely give viewers a glimpse of the non-crime-related and service functions of the police. Newspapers also find it less desirable to report the not-so-glamorous service-related functions of the police. These stories don't sell newspapers.

In one classic study, Webster (1970) analyzed the types of problems that police deal with on patrol in Baywood, California. Through the process of data reduction, the nearly 600,000 dispatched calls that he examined were reduced to 109 types of events. The 109 types of events were grouped into six categories labeled: crimes against persons, crimes against property, traffic, on-view, social services, and administration. He found that fewer than 17 percent of the dispatched calls for police involved crime.

Webster's study revealed that police work is generally tedious and wearisome, rather than exciting and dangerous; for example, drunk arrests constitute more than 40 percent of the total arrests, and 66 percent of the individuals arrested for being drunk had been arrested two or more times. In another study, Scott (1981) found that only 2 percent of police calls dealt with violent crime and 17 percent involved nonviolent crimes. Other studies have also found that the majority of police activities are indeed noncriminal and service related (Bittner, 1974; Haller, 1976).

Crime Prevention

Crime prevention is an important police operational component and involves many strategies. There is no substitute for the complete prevention of crime. Many police departments have crime prevention units that devote full attention to crime prevention activities. The authors have anecdotal accounts from police practitioners that one of the dangers inherent with crime prevention units is that they may give the impression that crime prevention is only the responsibility of an individual police unit. Individual crime prevention units may also give the impression that crime prevention endeavors to only cater to what is referred to in police circles as "dog and pony" shows, such as parades, car shows, and the like, and dressing a police officer in the "crime dog" suit in order to walk in the parade and wave at the citizens. This may do more for public relations than effective crime prevention.

crime prevention Actions taken by the police and the community to reduce crime risks and build individual and community safety.

Crime prevention is the responsibility of every rank-and-file police officer within the department. The prevention of crime is an especially important function for the men and women serving in patrol functions. An organizational culture of crime prevention should be increasingly fostered within police agencies. Police patrol officers should increasingly become more

involved in crime prevention activities; for example, when a police officer takes a report from a landlord regarding some rental problem, the police officer should counsel and educate the landlord on crime prevention techniques specific to landlords in order to avoid future victimizations. Some police agencies have started giving specialized crime prevention training to landlords.

Landlord Training

Landlord training programs are designed to promote positive and responsible partnerships between landlords, tenants, and the police. These partnerships are vital to effectively preventing drug dealing and other illegal activities at rental properties located within the communities and neighborhoods. By responsibly maintaining their property, landlords foster pride in the community and show respect for all residents of the community. It's also important to point out that these functions are being done not by a specialized crime prevention unit, but rather the men and women assigned to the police patrol function. Specifically, the training assists landlords in managing their properties by including information about the following:

- Preparing a rental property.
- Screening applicants.
- Rental agreements.
- Active management.
- Problem solving.
- Recognizing illegal drug activity in the neighborhood.

Neighborhood Watch

neighborhood watch A citizens' organization devoted to crime prevention within their neighborhoods. Neighborhood watch members stay alert to unusual activity in their neighborhoods and contact the police.

You have probably seen it all too often. Perhaps you are driving through an area of the community where you live and all of a sudden there it is—a sign placed strategically in the neighborhood that reads, "NEIGHBORHOOD WATCH, WE CALL THE POLICE." **Neighborhood watch** programs are the largest and probably most known crime prevention programs in the United States. Neighborhood watch, or block watch, as it is sometimes called, is an effective way to get citizens more involved in the prevention of crime. Civic involvement, collaborative problem solving, and mutual commitment, which is advocated by neighborhood watch, have helped communities and neighborhoods reduce crime by significant numbers.

Whenever possible, neighborhood watch programs should be the responsibility of field patrol operations. Police officers working daily on the same beat should be aware of the identities and contact information for their neighborhood watch coordinators. It is also a good idea to communicate with these coordinators on a regular basis. Citizens who are involved in neighborhood watch programs can play a significant role in turning information over to the police, leading to the identification of a criminal. Think of it this way, wouldn't it be advantageous for a police officer working in a geographical area to have several hundred more eyes and ears than he or she may otherwise have without a neighborhood watch program?

Neighborhood watch is one of the most effective and least costly ways to prevent crime and reduce neighborhood fear. Members of neighborhood watch organizations learn how to make their homes more secure by working with the police department and utilizing crime prevention techniques. Members watch out for each other by reporting suspicious activities to the police. Neighborhood watch meetings are usually held at residents' homes and are facilitated by a police officer.

Neighborhood watch forges strong bonds among residents. Watch groups create a sense of community and pride by forming a unified group of citizens dedicated to improving their neighborhood. Partnering with law enforcement, citizens become their eyes and ears. These groups also serve as an empowering outlet for victims of crime by giving victims a greater sense of control, ensuring that what happened to them will be less likely to happen to others. A

neighborhood watch program can also be a springboard for many other efforts to address the causes of crime, reduce crime, and improve neighborhood conditions, including youth recreation, childcare, economic development, senior citizen activities, and community beautification.

National Night Out

The National Association of Town Watch's annual National Night Out program, which is held on the first Tuesday in August, has been successful in promoting involvement in crime and drug prevention activities, strengthening police–community relations, and encouraging neighborhood camaraderie as part of the fight for safer streets. National Night Out has grown to involve over 34 million people from more than 10,000 communities. The program has grown to involve cities and law enforcement agencies from all 50 states, U.S. territories, Canada, and U.S. military bases around the world.

Along with the traditional porch-sitting and lights on, areas hold locally tailored events such as block parties, cookouts, parades, visits from law enforcement, rallies, and marches. National Night Out is a popular and effective strategy for heightening awareness, enhancing police–community relations, and bolstering volunteer morale. Police patrol operations should increasingly become involved in this annual event.

Neighborhood Nuisance Program

One other innovative crime prevention strategy that some police agencies are participating in is the Neighborhood Nuisance Program. The City of San Diego sponsors a program to help residents abate nuisances in their neighborhood (San Diego Police Department, 2006). Nuisances can include an unsightly property, excessive noise, gang activity, prostitution, drug activity, trespassing, and so on. The basis for the program is California law that makes property owners responsible for using their property in an ordinary and reasonable manner that is conducive to the peace and harmony of the neighborhood and does not interfere with the comfortable enjoyment of life and property by others. Property owners violate the law by allowing a nuisance to exist on their property whether they themselves live there or not. Once they become aware of the nuisance they become responsible for abating it.

Under the Neighborhood Nuisance Program, the affected residents work with a city representative who guides them through a process to abate the nuisance. The process involves the following steps: collection of evidence, documentation of the nuisance effects, notification and negotiation with the property owner, demand that the nuisance be stopped, and so on. If the owner fails to abate the nuisance, the residents can file a suit in small claims court where they can describe the nuisance and their efforts to resolve it. In addition to the court cost and service fees, the judge has the power to order the property owner to abate the nuisance and/or pay monetary damages to the residents.

Problem Solving

Problem solving is another purpose of police patrol. **Problem solving** is an important component of community policing. Recall that community policing is a collaborative effort between a police department and community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to identified problems.

Many of the problems that police encounter have only temporary solutions that are dictated by a standard operating procedure or by the law. One example of this is in the case of domestic violence where the victim has been assaulted. In a domestic violence case, the police have little choice but to make an arrest as dictated by standard operating procedure and state law in most states.

Problem solving in community policing is an approach that produces long-term solutions to problems of crime or decay in communities. Police, residents, and other agencies

problem solving A critical element of the community policing strategy. Problem solving is a tactic used to produce long-term solutions to problems of crime or decay in communities. Police, residents, and other agencies or organizations work together to identify and find the causes for neighborhood crime problems, then develop responses to the problems based on the problems' causes.

work together to identify and find the causes of neighborhood crime problems, and then develop responses to the problems based on the problems' causes.

Many times responses are not cookie cutter, procedure-driven, or a one-response-fits-all. Responses may not be just police responses, but may be responses developed through joint police–community actions, which also involve participation by agencies such as the fire department, code enforcement, youth services, waste management, park and recreation, and others.

Traffic Responsibilities

Police patrol has an enormous responsibility to ensure the safe flow of traffic. This responsibility includes not only the enforcement of traffic laws, such as speeding, driving under the influence, and vehicle equipment laws, but also includes the investigation of vehicle accidents and directing traffic.

The investigation of traffic accidents is an activity that most police officers are all too familiar with; for example, each year in the City of New York, there are over 50,000 accidents and about 300 deaths involving a driver or a passenger that are reported to the police.

According to the National Highway Traffic Safety Administration (2011), speeding is one of the leading contributing factors associated with automobile accidents at an estimated economic cost of $40 billion each year. The detection of traffic violators is increasingly becoming high tech. For some time now the courts have accepted radar speed measuring devices as a reliable method for measuring vehicle speed. There are several methods of speed detection that police utilize.

Radar Speed Detection

At some time, you have invariably overheard someone make a statement that police have a radar trap set up at a certain location. Radar is traditionally the primary method of speed enforcement in the United States. Radar guns aim an electromagnetic signal at a target vehicle and pick up the return signal reflected off the vehicle. The Doppler effect causes the frequency of the return signal to shift by an amount dependent on the relative speeds of the source of the original signal and the target. Speed radar devices measure the frequency of the reflected signal and compare it with the frequency of the original signal to determine the speed of the target vehicle.

Laser Speed Detection

During the 1980s, law enforcement agencies started to use laser and automated speed measuring devices. Laser devices, also known as LIDAR (light distance and ranging), use a time and distance calculation to measure speed. The devices aim a narrow band of light at the target vehicle and measure the time it takes to receive the reflected light. The advantage of laser speed-measuring devices is that the laser light cannot be picked up by radar detectors. They are also beneficial because they can pinpoint a specific violator's vehicle in heavy traffic (Morrison & Jacob, 2000).

Photo Radar

You may have seen them on a highway or city street that you have driven on—video cameras that are placed at various locations. Have you ever wondered how they work and what they are used for? These devices are another tool that the police are using to enforce traffic laws. These video cameras are useful when a speeding vehicle emits a radar signal that triggers the cameras, which in turn photograph speeding vehicles as they pass a specified point. These devices use a low-powered Doppler radar speed sensor to detect speeding vehicles and trigger a motor-driven camera and flash unit to photograph vehicles traveling faster than a set speed.

Average Speed Calculator and Recorder

A visual average speed calculator and recorder uses a portable computer to accurately clock, calculate, and display speed based on the time a vehicle takes to travel a known length of road. These devices are mounted on the dash of the patrol car, which allows for easy access by the officer. They can be used in light or heavy traffic. The device gives an average speed output rather than instantaneous speed. One big advantage to speed averaging is that it prevents high measurements where a driver may inadvertently speed up for a few seconds and then return to the speed limit.

Aircraft Speed Surveillance

Officers in aircraft measure vehicle speeds based on the time it takes to travel between two or more pavement markings spaced a known distance apart. Information is transmitted to officers on the ground who then stop the violators and take appropriate enforcement action.

Roadside Electronic Signs

Imagine for a moment that you are driving on campus one autumn morning rather hurriedly because you are late for your police operations class. As you press down on the accelerator, you notice a large electronic sign about 50 yards ahead sitting on the side of the road. As you drive closer to the sign, you notice it reads in large red digital letters "YOUR SPEED IS 45 MPH." You hit the brakes and slow down immediately as you realize that you are speeding; the campus speed limit is 20 MPH. You frantically look in your rearview mirror in order to make sure that there are no campus police officers following.

Roadside electronic signs are an excellent tool to deter drivers who are compelled to speed. Electronic signs operate by measuring the speed of a vehicle and then reporting the speed on a large digital display sign. They can be used in areas where the police have had a large number of complaints about speeding vehicles or in those areas that have had a high incidence of accidents where speed was a contributing factor.

Police Patrol: Summing It All Up

The primary purpose of police patrol is to prevent and control crime. Police patrol officers accomplish this mandate by keeping order in their communities, making sure that people follow laws, and by protecting people and property. Officers patrol areas by walking or riding through them, and some by riding horses or bikes. While on patrol, officers watch for signs of criminal

OBJECTIVES OF THE POLICE

Some of the more common objectives of policing include the following:

- Preventing and controlling conduct that is recognized as threatening to life and/or property.
- Aiding citizens who are in danger.
- Facilitating the movement of traffic and people.
- Assisting those citizens who need additional assistance.
- Resolving conflict.
- Identifying issues that may escalate into major problems.
- Maintaining a feeling of security within the community.

activity and talk to residents and businesspeople, trying to build relationships in their community. Officers are also called to respond to accidents, crimes in progress, fights, and other events. Officers evaluate the information they receive and determine the best way to respond.

Uniformed police officers make up the majority of the police patrol. Those who work in municipal police departments of various sizes, in small communities, and in rural areas have general law enforcement duties, including maintaining regular patrols and responding to calls for service. They may direct traffic at the scene of a fire, investigate a burglary, or give first aid to an accident victim. As will be discussed throughout this book, many urban police agencies are becoming more involved in community policing, a practice in which an officer builds relationships with the citizens of local neighborhoods and mobilizes the public to help fight crime.

The largest and most visible component of any municipal law enforcement agency is the patrol section. It consists of officers working in uniform 24 hours a day, 365 days a year. They handle calls for service from the public in motor vehicles, on horseback, or on foot. Patrol is the heart of the police mission and the backbone of the police department. Although all aspects of the police organization have the responsibility of meeting the organization's mission, patrol usually takes the lead in this effort due to its size and visibility.

▶ Differential Response

differential response A system in which police calls are prioritized by the seriousness of the offense; for example, some calls for police services are time critical and some can be deferred. Some police responses must be made in person while others can be handled by a telephone report unit or other city departments.

Some police agencies have abandoned the notion that every call for police service should be responded to as quickly as possible. Likewise, some agencies have attempted to manage the calls for service. **Differential response** to calls for service is a policy that abandons the traditional practice of responding to all calls for service. By this policy, responses to citizens' calls to 911 are matched to the importance or severity of the calls; for example, calls receive (1) an immediate response by police, (2) a delayed response by police, or (3) no police response, with reports taken over the telephone, by mail, or by having the person come to the police station in person (Walker, 1998). Conditions in which delayed or alternative responses are appropriate include:

1. Past burglaries, larcenies, or other thefts.
2. Lost property.
3. Crimes reported merely for insurance purposes.
4. Past assaults without injuries.

Research has concluded that differential response strategies have proven to show promise. Some departments that have implemented differential response strategies have diverted up to 50 percent of their calls to alternative responses without suffering any reduction in citizen satisfaction levels (Cahn & Tien, 1981).

▶ Effectiveness of Police Patrol

Preventive patrolling is based on two assumptions: (1) patrolling improves police response time and (2) improved response time will result in an increase in the number of crimes solved. A research study in Garden Grove, California, indicated, however, that fast response time accounted for less than 5 percent of arrests for serious crimes and that the use of differential response (having different response standards for different situations) saved the department over $223,000 a year (Cahn & Tien, 1981).

For years, preventive police patrols were considered one of the best deterrents of criminal behavior. The visible presence of police was viewed as an effective crime prevention

GOAL OF FOOT PATROL

(EXCERPTS FROM BUREAU OF JUSTICE RESEARCH REPORT)

Understand the goal of foot patrol. When line officers are assigned to foot patrol, they may or may not be given specific instructions on what activities to engage in during the assignment. The overall goal of a foot patrol program can vary, and the officers' activities should be driven by the program's goal. Officers should think about what they can accomplish now that they are away from the patrol car. A vast majority of police officers enter the profession, so they can help people. How does foot patrol allow officers to achieve this goal? Regardless of the specific program goals, positive engagement with the people who live, work, and spend time in an officer's beat should be a central responsibility. Effective policing hinges on cooperation from citizens, and informal, consensual interactions between officers and citizens are an excellent, proven method for generating that cooperation.

The message for officers is simple: be seen; get to know the people; help solve problems; and become part of the fabric of the neighborhood. Such activities can generate police legitimacy, which will make the officers' crime-control activities more efficient and effective. Apply the two—equally important—messages in a focused deterrence strategy.

The focused deterrence strategy delivers two important messages. The first message centers on deterrence: offenders are put on notice that law enforcement is aware of their criminal activity; that such activities will no longer be tolerated; that law enforcement and other justice system agencies are now working together with a focus on the specific offenders and groups; and that, if an offender continues to engage in crime, law enforcement will act swiftly to arrest and prosecute the offender (often on federal charges). This is an easy, palatable message for line-level patrol officers, especially when dealing with violent offenders. Research shows that such communication can be effective, if it is backed up with certain, swift, and highly visible law enforcement actions if criminal activity continues.

But focused deterrence delivers a second, equally important message to offenders: if the offender wants help to stop engaging in crime, help will be provided. Help comes in the form of educational and vocational training, housing, employment, substance abuse treatment, medical care, and spiritual support. This second message can be more difficult for line-level patrol officers to accept, especially when the message is delivered to known violent offenders. However, it is just as critical to the success of focused deterrence as the first message. This second message can be more credible when line officers are working in partnership with trained social service providers and neighborhood stakeholders representing the moral voice of the community. This genuine offer of assistance positions the police to enhance their legitimacy, promotes procedural justice, and creates a more holistic strategy to reduce violence.

Source: Kenneth J. Novak, Andrew M. Fox, Christine M. Carr, Joseph McHale, and Michael D. White (December 2015) *Kansas City, Missouri Smart Policing Initiative: From Foot Patrol to Focused Deterrence*, Washington, DC: Bureau of Justice Assistance. U.S. Department of Justice. pp. 15-17.

technique; however, a Kansas City patrol study seems to indicate that police patrols are not effective utilizations of the limited resources available. The Kansas City study divided the city into 15 districts. Five of the districts retained normal police patrols, five districts greatly increased the number of police patrols, and the final five used the reactive approach and responded only when called by citizens. The researchers concluded that the variations in police patrol techniques appeared to have little effect on citizens' attitudes toward the police, their satisfaction with the police, or their fear of crime. The researchers concluded that patrolling:

1. Did not reduce crime.
2. Did not affect the rates of reporting crimes to the police.
3. Did not affect the effectiveness of the police.
4. Had no significant effect on the citizens' opinions of the effectiveness of the police.

(Kelling, Pate, Dieckman, & Brown, 1974)

While the study has been criticized because of its research design, it has greatly influenced the thinking of researchers on the effectiveness of police patrolling; nevertheless, to date, the Kansas City study remains the most comprehensive study conducted to analyze the effectiveness of traditional preventive patrol.

▶ Reactive, Proactive, and Coactive Policing

Reactive Policing

reactive policing When police respond to crime calls after they have been committed.

The three main patrol functions within traditional reactive policing are routine patrol, immediate response to calls, and follow-up investigations (Cordner & Sheehan, 1999). **Reactive policing** is when the police respond to specific requests from individuals or groups in the community, which encompasses immediate response to calls and follow-up investigations. In other words, reactive policing is a police response after the crime has been committed; for example, when police respond to take a report of a bicycle that has been stolen from the backyard of a residence, the police are being reactive.

Proactive Policing

proactive policing When police work with the community to prevent crime. Community policing and neighborhood watch programs are two examples of proactive policing.

Proactive policing involves the "police acting on their own initiative, [to] develop information about crime and strategies for its suppression" (Crank, 1998, 244–245). Preventing crime in a proactive manner sometimes involves using intelligence information. It is through credible intelligence that threats can be identified and appropriate countermeasures taken. Intelligence information does not always come from the general public; intelligence may be gathered from specialized policing units; for example, narcotics units, vice units, or gang units may gather intelligence information from surveillance and from informants who are sometimes involved in criminal activity.

Specialized units often provide intelligence information to other police units who act on the information before a crime is committed, or the special unit may take action themselves and prevent a crime. Establishing neighborhood watch programs and setting a mock police car at a location where there have been complaints of speeding cars are also examples of proactive policing.

directed patrol A strategy where police officers are assigned to patrol and give attention to specific problem areas that are identified through problem or crime analysis.

Directed patrol is largely a proactive police strategy. Directed patrol involves police officers being instructed to monitor specific areas that are identified through problem or crime analysis when they are not responding to dispatch calls (McKenna, 1998). Directed patrol units respond to "problem areas" that need specific police attention; for example, areas that are targeted by directed patrol may include problems such as illegal street racing, burglaries, and narcotics trafficking. Directed patrol tactics vary widely; however, the most rudimentary approach is to saturate an area temporarily with patrol officers (Sweeney, 2003). After directed patrol has been targeted in an area, it is then important for officers to examine underlying problems inherent within the specific area and to tailor solutions.

Coactive Policing

coactive policing An approach where the police, the community, and other public and private resources work together to solve crime and crime-related problems.

Coactive policing is similar to proactive policing; however, in coactive policing, the police utilize citizens and other community resources in an attempt to solve problems; for example, let's suppose that a police officer has been working in the same beat area for four years. The officer prides himself on knowing most of the citizens living in the neighborhood he patrols. Within the past month, an escort service moved into a storefront in the middle of his beat. Subsequently, the officer has been bombarded with complaints from citizens. The citizens simply don't want the escort service in their neighborhood. What exacerbates the situation even more is the fact that there is an elementary school located a few hundred yards

away from the escort service. The police officer learns through a confidential source that there are prostitution-related activities also going on at the escort service. The officer is beginning to get many complaints from citizens living in the area who are demanding that the officer do something soon. What would you do if you were a police officer faced with this dilemma? Specifically, how would you solve this problem by being coactive?

Recall that coactive policing involves not only the police solving community crime and disorder problems, but also other resources that may assist in solving problems (fire department, health department, neighborhood associations, department of public works, animal control, power company, the local telephone company, etc.). Returning to our fictional situation dealing with the escort service, which resources can you think of that may be beneficial in resolving the problem?

Let's assume that the escort service is advertising on a large marquee sign located in front of the building. The marquee sign has a 50-foot electrical cord running across a public driveway and into the business, where it is plugged into an electrical socket. There is a violation of some sorts, but who would you call? What about the fire department? In most jurisdictions, the fire department has the legal authority to issue citations and temporarily close a business or establishment because of a fire hazard. Who would have ever thought that the fire department could play a role in solving the problem of an escort service opening in a neighborhood?

Take this one step further and assume that you have discovered that the escort service is serving food to their customers. Customers can come in after a hard day's work and grab a bite to eat while they wait their turn for the date of their choice. The problem here is that the escort service does not have a license to serve food. The health department could be contacted as a resource to help resolve this problem. The escort service could be written a citation for failure to have a food distribution license. The health department subsequently identifies several other health code violations in the building. Furthermore, the police officer, along with several other citizens, approaches the zoning department to investigate what would need to be done to change the zoning laws to prevent an escort service from opening in the neighborhood in the future. After several months, the owner of the escort service decides it would be cheaper to find another location in which to operate his business and voluntarily leaves the area.

The purpose of this hypothetical account is to get you thinking about coactive policing. In the hypothetical example, it was the police department, along with citizens, the fire department, and the health department, that collaborated in a partnership to solve this problem. The elimination of the escort service from the neighborhood has a potential payoff in terms of citizen satisfaction many times greater than it may ever be realized. To the citizens, the escort service moving into their neighborhood was call for concern. Police officers should remain mindful that citizen satisfaction often rests with the solution of minor order maintenance problems that don't take a great deal of time to effectively resolve.

PRACTICE HINTS

COACTIVE POLICING

- Coactive policing is preventing crime and disorder.
- Coactive policing works to identify problems that affect quality of life in the community.
- Coactive policing is based on the police and other public and private resources working together to solve crime and disorder problems.
- The aim of coactive policing is to identify conditions that will need to be addressed to improve community safety.
- Coactive policing is a natural fit with community policing and problem-solving strategies.

Often, police officers think that the only concerns that citizens have are the serious crime-fighting tasks (e.g., robberies, burglaries, and drug dealing). There are many anecdotal accounts from citizens and police officers that disorder problems, such as the stop sign that has been missing at an intersection, the speeding cars near the local school, a burned out street light, the vacant house that has become a hangout for idle juveniles, and litter in the local park, are also concerns. For example, a police officer was recently interviewed regarding the manner in which he managed his beat. This officer told the author that he recently made it a point to contact as many citizens as he could during a shift and ask them what their concerns were in the neighborhood. To his surprise, they were all primarily order maintenance problems. He spoke of an entire block of citizens that complained that a stop sign had been missing from an intersection nearby for weeks. The officer had the stop sign replaced the next day. Several citizens wrote letters to the chief of police commending the officer. The officer revealed during the interview that he was surprised at how he had satisfied so many citizens merely by having a stop sign replaced. Police officers should never think that the small disorder problems are not important concerns of the community.

▶ Organizational Features

Police departments in the United States are not substantially different from the original British style of policing (Lagrange, 1993). There are certain organizational features common to almost all urban departments. Two such features are bureaucracy and the paramilitary model. The general principles of organization for law enforcement agencies include the following:

- There needs to be a logical plan for the assignment and apportionment of duties within the agency.
- The chain of command and lines of authority should be clear and direct.
- A supervisor's span of control should be limited. A supervisor can only supervise a limited number of individuals.
- Subordinates should report to and be controlled by only one supervisor.
- Delegation of authority should be clearly stated.
- Agency efforts and goals should be coordinated so that the coordinated efforts and goals will enable the organization to function as an integrated unit.

bureaucracies A concept referring to the way that the administrative execution and enforcement of legal rules is socially organized. Most police departments are highly bureaucratic. A bureaucratic organization is characterized by standard operating procedures (rule following), formal division of authority, hierarchy, and impersonal relationships.

Police Department as Bureaucracy

Police departments are **bureaucracies**. A bureaucracy is a form of an organizational structure that was developed by Max Weber, a German social scientist. Bureaucracy is defined as (1) government by bureaus, administrators, and petty officials; (2) the body of officials and administrators of a government or government departments; or (3) the concentration of power in administrators (Weber, 1947). Presently, bureaucracy is a term generally cast in an unfavorable light. We blame a lot of our problems and inactions on "bureaucracy" or "red tape."

Weber (1947) thought that a bureaucracy was the most rational system of organization available. According to Weber, managers who want to obtain efficiency and optimal organizational performance were forced to use a bureaucratic form of organization. The bureaucratic form of organization has a number of criticisms. One such criticism is that a bureaucracy dehumanizes employees in its use of standardized procedures for completing

task assignments. Rather than defending the dehumanizing aspects of a bureaucratic form, Weber stated that the bureaucracy was an irresistible organizational wave.

As noted earlier, bureaucracy is the basic organizational structure of police departments. According to Weber, bureaucracies have well-articulated policies that are impersonally and uniformly applied throughout the organization. Police departments uniformly have well-articulated policies that are impersonally and uniformly applied throughout the departments. Applying Weber's theory to a police agency, for it to be rational (i.e., a bureaucracy), the agency must contain the following elements:

1. **A Specific Division of Labor**—Bureaucratic organizations have divided labor to an intensive degree of refinement. Tasks are broken down into the minutest particles of specialization, so that even the newest unskilled employee can master a task with a minimum of skill and training. Most police departments have divided their tasks and assigned officers to specialized tasks, such as patrol, communications, and traffic.
2. **Hierarchy of Authority**—The progressive concentration of control over subordinate units in successively higher levels of authority in an organization's vertical command structure. Police departments are generally organized in successively higher levels of authority in a vertical command structure with the police chief at the apex.
3. **Expertise**—Employees are selected by comparing objective standards established for the organization for an adequate performance of a job with the qualifications of the applicant. The chief criteria are how well the potential employee is suited by way of education, training, knowledge, and skill to perform the assigned function in the organization. This element is present in the average police department.
4. **Written Records**—Bureaucratic organizations keep elaborate records for the purpose of achieving uniformity of action. Police departments are noted for keeping elaborate records and the establishment of standards or standing operating procedures to achieve the uniformity of action.

Paramilitary and Chain of Command

Police departments not only tend to be bureaucratic, but are also modeled loosely after the military style of organization. A few of the characteristics borrowed from the military and present in police departments include the following:

- Centralized command structure with a rigid chain of command.
- Clearly marked lines of communications.
- Strong discipline.
- Differentiation between ranks or positions.
- Authoritarian leadership.
- Distinguishing uniform.

The operational units within a police department are also similarly classified to the military units of line, staff, and auxiliary units. Currently, there is discussion in U.S. police agencies to move away from the paramilitary system, especially as community-oriented policing strategies more fully blossom. The paramilitary structure may not be the most appropriate with contemporary policing. At one time, a rigid, centralized command structure represented the best prescription to deter corruption and misconduct; however, as policing evolves with community policing strategies, this centralized command and control structure with its emphasis on the paramilitary model will require redefinition.

chain of command
The line of authority and responsibility in a police agency along which orders are passed.

In police departments, there are sergeants that directly supervise police operations in the field. Lieutenants may also supervise police activities in the field or they may serve as watch commanders. The watch commander is usually the rank of a lieutenant or a captain and oversees all police operations during a specific shift. Naturally, the **chain of command** would dictate that a sergeant answers directly to a lieutenant, the lieutenant answers directly to the captain, the captain answers directly to a major, and so forth. A chain of command will vary from one department to the next and is dependent on such factors as the size of the agency and the shape of the organizational structure. A steep hierarchical organizational structure will generally have more levels in the chain of command, whereas a horizontal structure will tend to have fewer levels.

Most interagency communication in a police department operates on the chain of command principle. If a sergeant desires to communicate with the captain, he or she would first have to go through the lieutenant. If the lieutenant wishes to communicate with the chief of police, he or she would go through the chain of command (i.e., captain, major, deputy chief, and then the chief of police).

The chain of command principle is important in situations where large numbers of police officers are deployed. In these situations, it is critical that each officer knows who they answer to. Suppose that numerous police officers are dispatched to a large gathering of persons who are protesting proposed immigration legislation. After the protesters see the police arriving at the scene they become unruly. Some of the protesters begin to yell epithets at the police. The situation is volatile and could erupt at any minute. The sergeant soon arrives at the scene and takes command. In other words, all police officers at the scene take orders from the sergeant. A few moments later a lieutenant arrives at the scene. The lieutenant assumes command at the scene. Every police officer at the scene, including the sergeant, now answers to the lieutenant. In situations such as these it is imperative that all police personnel know exactly who they answer to. This principle is called the *unity of command*.

Unity of command means that all organizational personnel operate under a single commander with the requisite authority to direct all personnel employed in pursuit of a common purpose. The unity of command principle also ensures that conflicting orders are not issued to the same police officers by several supervisors.

The Policing Enterprise

There are about 18,000 federal, state, county and local law enforcement agencies in the United States, employing over 750,00 sworn officers (Bureau of Justice Statistics, 2016). Sworn personnel are those public law enforcement officers who carry a weapon and have powers of arrest. Because of the fragmented nature of policing in the United States, there may be several law enforcement agencies operating within a single geographical county; for example, in Los Angeles County alone, there are over 40 separate law enforcement agencies, and in those cities without a police department, law enforcement services are contracted by the Los Angeles County Sheriff's Department.

Not only is it likely that a county jurisdiction may have several police departments, in addition to a county sheriff's department, the highway patrol or state police may also patrol in the area. Furthermore, if there is a college or university located in the county, there is a good chance that it operates a university police department.

While there may be other law enforcement agencies in an area, such as sheriff's departments, state police, highway patrols, and campus police, city police still constitute the majority of the sworn police officers in the United States. Police departments range in size from over 54,000 sworn officers in the New York City to one officer departments in smaller cities. More than half of all police departments have 10 or less sworn officers.

Almost all police departments, from the largest to the smallest, have similar goals. Most maintain jurisdiction over law enforcement matters within their city boundaries.

There are a number of auxiliary police agencies that assist them. The most common auxiliary agencies are park police, airport police, transit police, and university police. The auxiliary police are created to handle special problems or special jurisdictional areas, like the airports and parks. The relationships between the city police and the auxiliary agencies differ in almost every city. In general, the auxiliary agencies have carved out a small portion of the city police's jurisdiction (normally geographic) over law enforcement. In most cases, in those limited geographic areas, like our airports, both the city police and the auxiliary police have concurrent jurisdiction. Police departments are headed by a police chief who is appointed by the mayor or city council.

Multiple Jurisdictional Operations

Because of the fragmented nature of law enforcement agencies, a situation may arise where multi-agencies respond to an incident. So, who is in command of an incident where two, three, or even four police agencies are present at the scene? In multi-agency law enforcement operations, which may be necessary during times of mass public disorder or other large community events, unity of command may not be possible, but the requirement for unity of effort becomes paramount. It is wise for police administrators to enter into agreements with other law enforcement agencies within their geographical area that provide jurisdictional guidelines. Some jurisdictional authority may be specified by specific state statutes.

Consider the following scenario, which illustrates a multi-jurisdictional law enforcement response. Deputies from the local sheriff's department respond into the city limits to assist the police department with a large public gathering that has escalated into rock throwing and pushing and shoving. In this situation, the police department ideally should assume command of the scene, and the sheriff's department would serve to simply assist. Another example is the case where the sheriff's department initiates a high-speed pursuit that ends up in the city limits. There may be a previous agreement worked out by the police and sheriff's department that because the sheriff's department initiated the chase they retain command of the chase even though the chase continues into the city limits, where the primary law enforcement services are provided by the police department.

PRACTICE HINTS

POLICE ORGANIZATIONAL TERMINOLOGY

- **Unity of Command**—All organizational personnel operate under a single commander with the requisite authority to direct personnel employed in pursuit of a common purpose.
- **Span of Control**—The number of persons that one person can effectively supervise.
- **Division of Labor**—Work specialization, the degree to which tasks in an organization are divided into separate jobs.
- **Department**—The primary organizational unit within a governmental structure.
- **Bureau**—Typically the largest unit within a police department.
- **Division**—A subdivision of a bureau.
- **Section**—A subdivision of a division.
- **Unit**—A subdivision of a section.
- **Watch or Shift**—A time division of the day for purposes of police assignment.
- **Beat**—A geographical area assigned to a police officer for patrol purposes whether on foot or motor vehicle.
- **Hierarchy of Authority**—The progressive concentration of control over subordinate units in successively higher levels of authority in an organization's vertical command structure. Police departments are generally organized in successively higher levels of authority in a vertical command structure with the police chief at the apex.

PRACTICE HINTS

At one time, a rigid, centralized command structure represented the best prescription to deter corruption and misconduct. As policing evolves into community policing strategies, the centralized command and control structure will require redefinition. Police operations must increasingly become decentralized through substations, neighborhood stations, satellite offices, or storefronts.

Decentralized Operations

Many police departments operate district, precinct, or division stations that are separate from headquarters. The advantages of decentralizing police operations is that it gives the community greater access to the police department. In some neighborhoods that have a disproportionately high crime rate, a police precinct or substation located in the neighborhood may reduce citizen fear of crime.

Police Organizational Environment

Police departments are "open" systems as opposed to "closed" systems. A closed system is a system that is independent of external influences. An open system is one which is not independent of external influences. The police are influenced by the political, economic, and social pressures of the community in which the department is located. The external (environmental) influences on a police department require the department to be flexible to adapt to those pressures.

Organizational Clarification

To prevent internal conflict, members of an organization need to understand their duties and the duties and assignments of others. Two devices commonly used to demonstrate the structure of an organization, and inform members of the organization of their duties and assignments, are organizational charts and position descriptions.

Organizational charts are pictorial representations of the agency that map lines of authority for the entire organization. One major limitation of organizational charts is that they fail to delineate the informal structure that exists in every organization. Each position within a police department normally has a position description. The position description should include basic job functions and their relationship to others.

▶ Types of Police Patrol

There are many ways that the police provide patrol services to the community. The type of patrol may vary depending on the geographical layout and terrain of the community. The method of patrol used should always be based on the need to provide the most effective service to the community. Several other factors that may influence the type of police patrol at any given time are weather conditions and the general philosophy of the police department.

Foot Patrol

Foot patrol is the oldest patrol method and one that has received much attention through the years. Before the advent of the motor vehicle, foot patrol was the single most popular method of patrol. Subsequently, when automobiles became the most popular method of patrol for

police departments, foot patrol increasingly lost it popularity. Foot patrol has recently been reintroduced to major population centers such as Newark, New Jersey, and Houston, Texas.

Foot patrol is usually limited to smaller populated areas as a means to create higher officer visibility and as a venue to communicate with residents and business owners in the patrol area. Foot patrols are useful for special events such as parades, large community celebrations, dignitary protection, and public relations. Officers on foot can observe more than officers in vehicles. By being on the street an officer's sense of smell and sense of hearing are also improved. Research on foot patrols has resulted in a number of encouraging findings:

1. With the presence of foot patrol in neighborhoods, fear levels decrease significantly.
2. Alternatively, with the withdrawal of foot patrol, fear levels increase significantly.
3. Citizen satisfaction with the police increases with the presence of foot patrol in neighborhoods.
4. Police who patrol on foot have a greater appreciation for the values of the neighborhood residents than do police in automobiles.
5. Police who patrol on foot have greater job satisfaction, less fear, and higher morale than do officers who patrol in automobiles (Kelling, 1987).

Motorized Patrol

Motorized patrol has become the dominant form of police patrol in the United States. The evolution of the patrol car dates back to the 1930s when police reformer Wilson advocated replacing foot patrols with motor vehicle patrols. The obvious advantage to motorized patrol is that officers can carry more equipment, such as fire extinguishers, blankets, traffic cones, paperwork, and extra tactical weapons. Motorized patrol also allows police officers protection from the elements, such as snow, rain, sleet, cold, and heat, while still patrolling their beats. The make and model of police vehicles vary by department; for example, in rural geographical areas that are usually patrolled by county sheriff's deputies the patrol vehicle may very well be a jeep or pick-up truck or some other type of sports utility vehicle equipped with four-wheel drive.

Single-Officer Units versus Two-Officer Units

Generally, a patrol vehicle occupied by one officer is more cost efficient than one occupied by two officers. In most cases, funding two officers in a vehicle is not economically practical. The debate between one-officer versus two-officer patrol techniques has always

PRACTICE HINTS

The Police Foundation found that introducing foot patrol in a mix of police strategies significantly enhances the citizens' perception of safety in the neighborhood. This is something no other police strategy had been able to do. Although introducing foot patrol seemed to have little effect on crime rates, it did have the following positive effects:

- Residents knew when officers were patrolling their neighborhoods on foot.
- Residents in areas patrolled by officers on foot thought that crime was less of a problem than did residents in areas with only motorized patrol.
- Residents in areas with foot patrol felt safer and less likely to be victimized.
- Residents living in areas with foot patrol took fewer steps to protect themselves against crime.
- Residents in areas with foot patrol were more satisfied with police services.

taken place within law enforcement agencies. Unions or associations, which represent the field officer, tend to support two-officer patrol vehicles; however, cost-conscious police administrators have generally favored the single-officer patrol vehicle concept. Research has found that one-officer units are just as efficient and safe as two-officer units (Boydstun, Sherry, & Moelter, 1977).

Bicycle Patrol

Bicycle patrol units provide an alternative method of patrol. Experience has shown that bike officers are an important tool in improving police–community relations because the officers are more accessible to citizens. Bike officers can provide a proactive, highly visible police service along with giving officers a "stealth" advantage when desired. Bicycles also allow officers access to areas not normally patrolled by motorized units.

Bicycles now come in a number of styles and models that can be used in a variety of geographical areas and a variety of terrain. A few uses for bicycle patrols include patrolling college campuses, community events, areas that are inaccessible by motor vehicle, parks, congested downtown areas, off-road terrain, and parking lots and garages located at large shopping and event centers. Furthermore, bicycle patrols are an excellent tool for use in community relations and also in crime prevention and detection.

Motorcycle Patrol

Motorcycle patrol has traditionally been used for traffic enforcement activities. Depending on weather conditions, motorcycle patrol may be used at any time of the year. Motorcycles are useful because they are agile and can be maneuvered through traffic and in areas where a vehicle could not travel. Motorcycle units can be used for special events, such as parades and escorts.

Motorcycle patrol is especially useful for traffic enforcement; for example, suppose a community has several large manufacturing plants that employ thousands of people. During shift changes, the main streets and throughways around the manufacturing plants have traffic tie ups, and there have been many incidents where motorists have disobeyed traffic laws, which have resulted in an increase in traffic accidents. Motorcycle units are ideal to enforce traffic laws in this situation due to their maneuverability. In the case where there is an automobile accident, it may take a police vehicle several minutes to maneuver through heavy traffic, while a motorcycle can maneuver and get to the scene much quicker in traffic-congested areas.

One of the chief disadvantages of motorcycle patrol is the risk imposed to the police officer. A motorcycle officer involved in one accident may result in a career-ending injury in which the officer would have to take a medical retirement. The motorcycle officer is also limited in the amount of equipment that can be carried on the motorcycle. In cases where a motorcycle officer makes an arrest, he or she would have to summon another officer with a motor vehicle to transport the offender to the booking facility. This may be problematic because it ties up two officers. One other disadvantage is that the officer is not protected from adverse weather conditions that can sometimes arise suddenly.

Aircraft Patrol

Aircraft units may be either an airplane (fixed wing or rotary wing) or a helicopter, depending on the needs of the agency. Aircraft patrol provides assistance to ground patrol units by observing areas that units on the ground cannot view. Aircraft can also be used for picking up and transporting prisoners over great distances; for example, if a suspect is picked up in New York and is wanted in Wichita, Kansas, for homicide, a sheriff's department pilot

would fly the department aircraft to New York and transport the suspect back to Kansas. One major drawback to aircraft patrol is that it is the most expensive form of patrol and requires highly trained personnel.

Water/Marine Patrol

Communities that are in close location to large bodies of water or beaches, shorelines, and inland waterways often use water/marine patrol to control crime. Water/marine patrols are also used to control water safety violations, search and rescue missions, and for a variety of traditional law enforcement functions. There are a number of crimes that can occur along our nation's coastlines. Crimes such as drug smuggling and other serious types of predatory crimes make marine patrol an ideal law enforcement tool. Marine patrol tends to be very expensive and requires special training on the part of police officers. The size and type of boat that a police department may use will depend on factors such as the size of the waterway or coast, and how often the boats will be used (i.e., just during the summer months or all year).

Mounted Horse Patrol

Horse patrol has a long history in policing and can be traced back to the last century. Many police departments cannot afford horses due to the special care that goes into stabling them and maintaining their diet and health. Mounted horse patrol is useful in areas that are difficult to reach or impractical with other patrol methods. They can be used in search and rescue missions, as well as traffic control. Mounted horse patrol is advantageous at events that attract a large number of persons, because it allows for mounted officers to maneuver through the crowd. They are also useful for public relations, such as parades and demonstrations. The horse is intimidating and may deter the crowd from engaging in disorderly conduct. The chief disadvantage is the maintenance cost; that is, it is expensive to care for a horse. Expenses include proper diet and nutrition, veterinarian care, housing, and the expense of training police officers.

▶ Allocation of Patrol Personnel

Traditional approaches to the allocation of police patrol have been haphazard and, in some cases, involved little more than dividing the total number of police patrol officers by three shifts and assigning them equally. This method of allocating is neither wise nor effective. On average, larger municipal police departments employ 22 full-time sworn personnel per 10,000 residents. County police departments and sheriffs' offices employ an average of 10 or 11 officers per 10,000 residents, respectively. State law enforcement agencies employ an average of 20 officers per 100,000 residents (Reaves, 2011). Allocation of patrol personnel involves determining the number of patrol units needed to be deployed during the time of day and day of the week. There are many factors that influence the allocation of police patrol.

Simply put, the allocation of police patrol should be driven by data. The primary consideration should be based on absolute need in order to provide the best possible service to the public. Allocation decisions in general are based on terrain, size, population, and the number of service and crime calls (workload). Workload assessments usually include the evaluations of the following:

- The number of incidents handled by patrol personnel.
- The average time required to handle an incident at the patrol level.

- The percentage of time that an officer should be available to handle incidents.
- Percentage of time that will be lost based on vacations, holidays, and other types of leave.

Contemporary allocation methods have the luxury of being driven by sophisticated computer programs that have been customized for the specific purpose of patrol allocation. Computer software programs can calculate a variety of performance measures and recommend the effective allocation of police officers. Police authorities responsible for planning patrol allocation are encouraged to explore the various patrol allocation software programs available.

▶ Special Tactical Teams

In some cases, patrol officers may require the assistance of the specialized tactical team to defuse a situation. SWAT (Special Weapons and Tactics Team) is a specialized unit found in many police departments. The SWAT team is generally activated to respond to tactical situations that are deemed high risk and/or require specialized training, expertise, and equipment; for example, sniper situations, barricaded suspects, hostage situations, dignitary protection, riots, search and arrest warrants, narcotics raids, and anti-terrorism operations may require the assistance of the SWAT team. It is important to point out that a nonviolent resolution is always the ultimate goal in any tactical deployment.

SWAT teams typically dress in military attire and are equipped with a variety of specialized weapons, including shotguns, tear gas, stun guns, and high-powered rifles for marksmen (snipers). They often use specialized equipment, including heavy body armor, entry tools, steel-reinforced boots, and night vision optics. Police officers assigned to the SWAT team are selected from applicants based on a range of criteria that may include: physical fitness, firearms proficiency, supervisory recommendation, and psychological assessment. SWAT team members are police officers who have received special training in a wide variety of tactics. These highly and specially trained officers spend a significant amount of time practicing for every conceivable situation where standard patrol response will not work.

The personnel makeup of a SWAT team usually consists of a negotiator, rifleman, and entry team member. The negotiator is used to talk out a suspect in order to avoid the necessity of making entry into a location or otherwise subjecting team members or a suspect to the violence of armed confrontation. The negotiator usually works from the SWAT command post. The rifleman is a sniper who usually works as a pair with another SWAT member. The rifleman is responsible for long-range reconnaissance of a target location and for protecting the team from hostile threat with long-range marksmanship skills. When negotiations with a suspect fail, the entry team is utilized. Members of the entry team are utilized for an emergency assault and/or entry; for example, the entry team may be used for an emergency assault on hostage-takers, they may be called to make a crisis entry in the case of a barricaded suspect, and they are increasingly used in high-risk search warrant entries.

Like many emergency calls that the police patrol responds to, such as hostage situations, barricaded persons with a gun, and the like, patrol officers play a critical role in the successful resolution. The initial actions of the first responding police officers are critical. When officers respond to a situation that will require a response from the SWAT team, the primary objective of the first responding police officers is to contain and control the scene. Once the scene is contained, the SWAT team will have the primary responsibility to defuse the situation.

▶ Managing and Supervising Patrol Activities

Management and supervision are two distinctly different functions. Managing police operations refers to a broad variety of administrative tasks, such as organizing, planning, budgeting, coordinating, and controlling operations. On the other hand, supervision entails the actual hands-on supervision of police activities in the field.

The rank levels found at the management level and supervisory level will vary depending on the size and general structure of a police department. In small police departments, a sergeant may perform many of the duties that a lieutenant or captain performs in a large police department. In many medium and large police agencies it is not uncommon to find three layers of management: (1) upper-level management, (2) middle-level management, and (3) line-level supervision.

Upper-Level Management

Upper-level management usually consists of the chief of police, deputy chief of police (or assistant chief of police), and major. The top management team is usually involved in administration and rarely participates in field-level police functions, such as responding to calls or self-initiated police activities. Police management determines the mission for the organization and sets goals. Top management is accountable for the overall management of the organization.

Middle-Level Management

Middle managers ensure that the goals of the top management are carried out. In large police departments those in middle management usually hold the rank of captain or lieutenant. In smaller police departments the rank of sergeant may be included in middle management.

Those police personnel in middle-management positions usually have the responsibility of commanding bureaus or divisions; for example, in some police departments the captain may be a patrol division commander, while a lieutenant is the patrol watch commander. In this case, the lieutenant would be directly responsible for all field police activities during a specific time frame, for example third watch. If you have ever ridden as an observer with a police officer or simply been around police culture for any amount of time, you probably have heard the term watch commander.

The captain, on the other hand, is responsible for managing the entire patrol division. This would include developing goals and objectives for the division, budgeting, ensuring that the mission and directives passed down from the chief of police are carried out, and managing all activities within the patrol division.

Line-Level Supervision

Supervision, as part of the management process, refers to the act of overseeing people (Iannone, Iannone, & Bernstein, 2014). Supervisors direct and control the work of employees in order to achieve the departmental goals. Supervisors directly oversee those police personnel who perform line functions. Line functions are those activities that work to accomplish the organizational objectives. Police patrol officers and detectives are examples of personnel who perform line functions.

Supervisors are the only level of management managing nonmanagers. Thus, most of the supervisor's time is allocated to the functions of directing and controlling. Sergeants are the frontline supervisors in most police organizations. The job of police sergeant differs from that of police officer. While performing essentially the same

law enforcement duties, the police sergeant also has full supervisory responsibility for subordinates.

Police sergeants have the most day-to-day contact with police officers when compared to other ranks. The police sergeant holds one of the most important management positions in the department. Sergeants are crucial because they are concerned with the achievement of the police purpose. It is through the sergeant that orders and directives are given to those police officers at the bottom of the hierarchy. The sergeant plays an instrumental role in gaining the support of police officers to carry out the chief's programs, mission, and goals set for the department.

Police sergeants are responsible for preparing written performance evaluations on subordinates, recommending commendations and disciplinary action when appropriate to division commanders or the chief of police, responding to grievances at the first level, training new police officers, observing police officers' performance in the field, recording the performance of subordinates, demonstrating leadership and decision-making in emergency situations, and providing other supervisory functions.

DUTIES OF POLICE SERGEANT

- Prepares patrol personnel roster and ensures that geographical beats are covered.
- Schedules vacation leave for police officers.
- Oversees scheduling of shift personnel.
- Makes daily assignments based on needs.
- Ensures that the policies and procedures of the organization are followed.
- Conducts daily squad room briefing.
- Evaluates police officer performance.
- Conducts in-service training.
- Disciplines police officers when needed.
- Fields and investigates complaints from citizens.
- Disseminates and explains to police officers important department directives.
- Detects police officers' strengths and weaknesses.
- Provides leadership to subordinates.
- Personally responds to unusual occurrences.
- Personally responds to major crime scenes.
- Personally responds to serious traffic accidents.
- Gives on-the-scene media releases.
- Notifies and keeps chain of command informed of unusual occurrences or serious crimes committed during shift.
- Gives talks and speeches to community groups.
- Oversees problem-solving efforts on the part of police officers.
- Authorizes and approves arrests.
- Fields questions from police officers regarding operational procedures and state statutes.

Summary

- Patrol operations are the backbone of a police department.
- The majority of a police department's personnel are assigned to the patrol function.
- Patrol in early English meant to walk or paddle in muddy water.
- Policing in the United States was heavily influenced by the London model of policing, which was the work of Sir Robert Peel. The police in London are called "Bobbies," named after their founder, Sir Robert Peel.
- "Hue and Cry" policing was the act of an individual who would alert the neighborhood to the recent commission of a crime, and sometimes entailed raising public support for pursuit or arrest of the criminal.
- In early U.S. history, policing was primarily done by volunteer citizens.
- The development of police patrol can best be framed on three major eras: (1) the Political Era, (2) the Reform Era, and (3) the Community Policing Era.
- The Political Era of policing was an era that was dominated by political control, or put another way, there were close ties between the police and politicians.
- The reform model of policing, or professional model as it is sometimes referred to, emphasized an organization indoctrinated along traditional lines—highly centralized, bureaucratic, and designed on the premise of divisions of labor and unity of control.
- The community-oriented policing strategy represents a shift from more traditional law enforcement in that it focuses on prevention of crime and the fear of crime on a very local basis. Community policing also entails problem solving and organizational transformation.
- Patrol officers respond to a wide variety of crime and service-related calls on a daily basis; however, the vast majority of calls for police services are service related or noncriminal in nature.
- The primary purpose of police patrol is prevention and suppression of criminal activity.
- The police role in the prevention of crime involves many strategies. A few of these are neighborhood watch, National Night Out, proper training of landlords, and problem solving.
- The police patrol function ensures the safe flow and regulation of traffic. This responsibility includes not only the enforcement of traffic laws, such as speeding, directing traffic, enforcing driving under the influence laws, and vehicle equipment laws, but also includes the investigation of vehicle accidents.
- The police response to crime can best be divided into three distinct categories. The first is reactive policing, when a crime has been committed and the police respond and take a report. The second, proactive policing, is when the police attempt to prevent crime by being self-initiating or by establishing a crime prevention strategy. The third, coactive policing, involves the police working with other resources outside of the police departments to prevent and solve crime-related problems.
- Police departments are organized in a paramilitary fashion. There are usually three levels to a police department's management structure. The first is upper-level management, where typically you find the chief, assistant chief, and majors. The second level is middle management, which usually is made up of captains or lieutenants. The third level is line-level supervision, which consists of sergeants.
- The police operate under a chain of command with a clear unity of command. In other words, each police officer knows exactly who he or she answers to.

Classroom Discussion Questions and Activities

1. Divide the class into three groups, one each to represent the Political Era, the Reform Era, and the Community Policing Era. Have each group discuss how police operations would have been conducted in their respective era.
2. Observe various television police episodes and have the students identify the circumstances where the police were being reactive, proactive, and coactive.
3. Identify an article in a newspaper where the police were engaging in some form of problem solving.
4. Identify a community problem and ask the students how they would solve the problem if they were a police officer.

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3 Police Field Procedures

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe what is involved in preparation for patrol.*
- *Describe important factors that go into effective beat management.*
- *Identify officer safety factor issues when handling offenders.*
- *Discuss the police response to social unrest.*
- *Provide a general overview of police pursuit procedures.*
- *Identify factors that need to be considered when responding to a weather or natural disaster.*
- *Identify the advantages of using trained police canines in police operations.*
- *Discuss the issues centering on use of force.*
- *Discuss police response to mass shootings.*

CHAPTER OUTLINE

- Introduction
- Preparing for the Tour of Duty
- Patrolling the Beat
- Handling Offenders
- Civil Unrest
- High-Speed Pursuits
- Weather and Natural Disasters
- Mass Shootings
- The Police Canine
- Emergency Vehicle Operation
- The Use of Force
- Summary

▶ Introduction

Imagine for a moment that you are enrolled in a college course titled "Police Operations." To successfully complete the course, your professor requires that students do a ride along with a police officer for an eight-hour shift and then write a reflection paper on their experience. In order to meet this requirement, you set up a ride along for second shift on a Friday evening. You purposely selected Friday evening because you think the chances are good that you will see some action.

It is 5:00 PM on Friday evening and you are about two hours into the eight-hour ride along. So far, it has been relatively quiet and you have only taken a few calls. One call involved a citizen who found a bicycle, and the other call was a burglary report. After these calls, the officer spent 30 minutes completing paperwork and talking on the phone with the records section doing what he called "cutting the cases." The officer you are riding with asks you where you would like to eat dinner when suddenly you hear the voice of an excited officer over the police radio: "Number ninety-two, I am in pursuit of a vehicle traveling at a high rate of speed." The dispatcher's voice asks the officer for his location. The officer replies, "Ninety-two, we are south bound in the 4700 block of Broadway." You excitedly look at the officer you are riding with and are let down almost immediately. The officer explains that the pursuing officer is on the other side of the city, which means that you won't be in on the excitement, you will have to settle for listening to the pursuit on the police radio.

Suddenly you hear the supervisor's voice with a distinct sound of authority and control come across the police radio. The supervisor asks the pursuing officer, "What are the charges?" The pursuing officer responds, "Traffic." Then, the officer's voice comes across the radio: "Number ninety-two, he is not stopping. I am still in pursuit." The supervisor asks the dispatcher if the air section is available. The dispatcher's voice responds with "Negative." Another officer's voice comes over the radio: "Unit 292, I am in secondary pursuit position."

The supervisor's voice is heard over the radio again, as he asks the pursuing unit, "Can you identify the driver and do you have a good tag number?" The pursuing officer relays, "that's 10-4." After several seconds, the supervisor advises the dispatcher to call off the chase. Suddenly, there is a loud tone emitted over the police radio and the dispatcher's voice loudly proclaims, "Attention all units—disregard the chase authority of Sergeant Harris." The dispatcher repeats the command: "Attention all units—disregard the chase authority of Sergeant Harris." This whole ordeal occurs in less than two minutes.

What did all this mean? Why did the supervisor ask if the air section was available? What did the officer mean when he said that he was the secondary pursuing officer? Why did the supervisor ask if the officer could identify the driver, and, more importantly, why did the supervisor call off the chase? Shouldn't the police pursue the violator with zeal? The short answer to these questions is that the officers and the supervisor were following the **standard operating procedure**. Note that the concept of the standard operating procedure (SOP) was taken from the Navy and originally was called SOPs.

standard operating procedure A written and codified manual of a police organization. The *Standard Operating Procedure Manual* is a roadmap that assists police officers in the field as a guide.

SOPs are prescribed procedures that police officers follow as a matter of routine. Put another way, SOPs are established police procedures to be followed when carrying out a police operation. In almost every situation that the police are involved in while on patrol, there is an SOP to be followed. For every burglary in progress call, every armed robbery in progress, every suspicious character call, every shooting call, and every police pursuit, there is a standard operation procedure that directs and guides police officer's reaction.

In addition to SOPs, there were specific factors that the supervisor considered and weighed in making the decision to call off the chase. These factors included the time of day, which was about 5:00 PM, which means heavy rush hour traffic; the fact that the charges were traffic; and the fact that the officer could identify the driver of the vehicle. We will discuss other related factors to be considered in pursuits later in the chapter.

VOICES OF EXPERIENCE

AN ACTIVE TRAFFIC ENFORCEMENT PROGRAM

Excerpts from an interview between Cliff Roberson and former police officer, Robert Boyer. Boyer is currently a professor of criminal justice and program coordinator at Luzerne County Community College, Nanticoke, Pennsylvania. Professor Boyer has served as a full and part-time police officer for over 20 years. He also served for 12 years as the mayor of Wyoming, Pennsylvania.

Q: What are the benefits of an active traffic enforcement program?

A: It has a positive influence on crime concerns. Traffic enforcement programs are not designed to collect revenues. They are designed to prevent crime and save lives. They help intercept wanted individuals, detect stolen vehicles, prevent drug trafficking, and reduce accidents and protect lives. An active program includes monitoring traffic near schools during certain times and monitoring traffic on the heavily traveled highways. Just by monitoring traffic, we have discovered large quantities of drugs, etc.; for example, once a red-light violation led us to the confiscation of an ice cooler full of cocaine in the back of a pickup. We use directed patrols to decide where to monitor the traffic. This is done by charting the traffic problem areas and concentrating on those areas.

Source: Used with permission of Robert Boyer, Professor of Criminal Justice and Program Coordinator at Luzerne County Community College, Nanticoke, Pennsylvania.

This chapter presents an overview of basic police field procedures in specific situations. It would be virtually impossible to discuss every possible field procedure. What is accomplished in the following pages is an overview of a few of the more common situations encountered on patrol, as well as some of the more uncommon situations encountered. While it is recognized that some of the field procedures will vary depending on the police agency, generally the field procedures discussed in this chapter are standard police practice. The content of this chapter is broad to allow direction for a police agency that may be writing SOPs or simply updating existing SOPs. The material in this chapter will be informative to both police practitioners and students.

▶ Preparing for the Tour of Duty

Personal Preparation

Officer Smith is a five-year veteran of the police department. He has been assigned to third watch patrol for the entire five years, with the exception of a brief four-month assignment at the police academy to assist with a recruit class. Officer Smith is driving home at 8:00 AM from the police station after an eight-hour patrol shift because he works the graveyard shift, 11:00 PM to 7:00 AM. His shift had been relatively uneventful other than several radio calls and a couple of traffic stops, one of which resulted in an arrest for driving under the influence. Officer Smith is so tired that he drags himself down the sidewalk to his apartment and opens the door only to hear the telephone ringing. He answers the telephone and is informed by the court liaison officer that a case is going to trial that he was involved in two years ago, and that he is needed to testify and should report to the courthouse as soon as possible.

Officer Smith arrives at the courtroom and is advised by the prosecutor that he will be called to testify within the next hour and to read over his police report. Officer Smith begins to read the report when he feels his eyes begin to get heavy; he thinks to himself, "I am so tired." One hour turns into two hours, and then three hours. The prosecutor finally makes contact with Officer Smith and informs him that another witness' testimony

is taking longer than expected and that he should go and grab some lunch and be back by 1:30 PM. Officer Smith leaves the courthouse and grabs some lunch. He reports back to the courtroom at 1:30 PM and is once again told that he will be called to testify shortly. Finally, at 2:15 PM he is called to testify. His testimony takes about 40 minutes.

As Officer Smith is driving from the courthouse back to his apartment, he fights to keep his eyes open. He finally arrives at his apartment at 3:30 PM. It's been nearly 20 to 23 hours since he last slept. Officer Smith is only able to take a three-hour nap because he is scheduled to be at his part-time job as a store security officer at 7:00 PM. He works at the part-time job until 10:00 PM, at which time he leaves to head to the police station for the 10:45 PM squad meeting. By this time, Officer Smith is surviving only on caffeine. He thinks to himself, "If I can make it through the patrol shift, I can get a full day's sleep tomorrow."

This story is all too real. Police officers are challenged daily with how to work their normal patrol shift, make court appearances, spend quality time with their families, and work off-duty security jobs simply to make ends meet, and doing so while remaining both mentally and physically prepared for the worst event that could happen during a patrol shift. Simply put, police officers must be prepared for the unexpected at all times. The job of police officer is perplexing and stressful, but yet one of the most rewarding jobs. It is a job that from day-to-day may bring something different. At times the job can be boring, while other times it can be full of excitement. On one day it may be quiet with minimal radio calls, while the next day the officer may be so busy that he or she does not have time for a break.

It is crucial that police officers be mentally and physically prepared for patrol duty. The costs of not being prepared can be grave. The very nature of police work can mean that the officer can spend many mundane working hours, and then suddenly be faced with a crime in progress call, a serious automobile accident, or a high-speed pursuit. Thus, the officer has to always be prepared and ready to act on a second's notice. So, how does a police officer mentally and physically prepare for patrol duty?

If the officer feels that he or she is overly tired and not very alert, the officer may want to make an attempt to get a few minutes of brisk exercise before the shift. You are probably thinking, why exercise if you are overly tired? Exercise can actually recharge the officer for a few hours. The exercise does not have to be strenuous, just brisk. It may be that the officer can only get a 10- or 20-minute walk in before the shift. If the police gymnasium is located at a close distance to the squad room, the officer can jump on the treadmill for a few minutes. Walking can actually decrease the risk of mental impairment and help prepare the officer for the patrol shift. The advantage to walking is that it is a simple exercise that can be done anywhere, at any time. During the shift, the officer can park the patrol car and get out and walk around for a few minutes several times throughout the shift. By participating in regular walking, the long-term health implications of stress may be offset. Research has linked stress to a host of physical ills, from back pain and stomach upset to high blood pressure and heart disease (Spilner, 2000). Sometimes, the officer has to remind himself or herself that taking a walk will help in accomplishing more on the to-do list. A brief walk will make the officer feel better and be able to think more clearly, so he or she will become more productive.

It is important that an officer's personal appearance and hygiene be impeccable prior to reporting for duty, so time and attention should be given to ensure a proper appearance. The officer should take a few moments to ensure that his or her uniform and equipment are in proper order and in compliance with departmental regulations. This includes checking to make sure that shoes are shined, the uniform is clean and pressed, handcuffs are working correctly, the field notebook is organized and in the pocket, extra ammunition is accounted for and affixed to the gun belt, the gun belt is clean and in good condition, and the firearm is ready for duty. Good appearance projects a positive image not only on the individual police officer, but also

on the police department. An officer's appearance has the potential to leave a lasting impression on the citizenry. It has long been said that a good appearance commands respect.

Body armor is a vital piece of police equipment. If the officer has been issued body armor (bulletproof vest), it is imperative that he or she wears it. The majority of police agencies in the United States require field officers to wear protective body armor while on duty.

The police officer must ensure that all equipment is ready for duty. Think of it this way: An aircraft mechanic would never think of approaching his or her work without the best tools available, all in good operating order. The same should hold true for a police officer. Would you fly on an airplane across the country if you knew the aircraft mechanic that just serviced the aircraft did so with tools that were in poor condition? A police officer should never approach his or her work without his or her equipment being in nothing but the best operating order. The officer's safety, the safety of other officers, and the safety of the general public are dependent upon this.

The following examples provide good reason why police officers should wear protective body armor. Consider the police officer in Newark who was saved by his bullet proof vest after being shot in the chest. The only injuries to the officer were a few broken ribs which he recovered fully (*New York Times,* 1996). A narcotics detective had his life spared by wearing a bullet proof vest after he was shot multiple times in the chest and stomach during a law enforcement action (*New York Times,* 1997). In one other recent shooting, the bullet proof vest that NYPD Officer Brain Groves was wearing saved his life after he was shot by a suspect at point black range (Parascandola, 2012). Finally, an Oak Hill (West Virginia) police officer was shot in the chest during a traffic stop. The officer was rushed to a local hospital where he was released a short time later. Doctors credit the bullet proof vest he was wearing for saving his life ("Bullet Proof Vest Saves," 2010).

Other Preparation

In most police departments, preparation for duty begins with a squad meeting, or roll call, as it is sometimes called. The squad meeting is usually held 15–30 minutes prior to the initiation of the patrol shift. Either the shift sergeant or the watch commander facilitates the squad meeting. While the actual content of the squad meeting may vary depending on the individual police agency, it is not uncommon that officers are debriefed regarding the most significant crime-related events and any unusual occurrences during the previous shift. Officers may also be informed of wanted persons that have been spotted in the district or community. In some departments, this information is read from what is referred to as the "inner watch." The inner watch is a document that is prepared before each shift and details significant crime events that occurred over the last few shifts. In an effort to minimize paper, many police departments have begun to place the inner watch and other bulletins online so that the shift supervisor has electronic access to these announcements. In those departments that are technologically advanced, police officers themselves would have electronic access to the inner watch and other departmental-related information.

In some cases, the shift sergeant may hold periodic inspections of police officers in order to ensure that their equipment is functioning properly and that grooming standards are within **departmental regulations**. An officer who has defective equipment may not be allowed to begin the patrol watch until the equipment has been repaired or replaced. Likewise, an officer with a uniform that looks in extreme disarray or is stained from last night's coffee may be asked by the supervisor to change into a clean and pressed uniform before beginning patrol duties.

Police officers should also communicate with the officer whom they are relieving on the previous shift. This provides police officers the opportunity to exchange information about any potential problems that the officer may experience during the forthcoming shift; for example, suppose that the second watch officer responded to the same loud party twice

departmental regulations Police department regulations govern the conditions of police service, annual leave, overtime, promotion, and have an influence on almost all daily police activities. Departmental regulations are usually broader and cover internal matters, such as dress and grooming standards, when compared with standard operating procedures which focus more on field procedures.

during his shift. The officer should communicate this information to the oncoming third-shift officer. If the third-shift officer receives a call of a loud party at this same location, he or she may take a different course of action. As opposed to giving a verbal warning to the party goers to keep the noise down, the officer, having knowledge that the second watch officer made two calls to the location, may be more inclined to issue a formal citation for the loud music or close the party down. It is also important to note that with sophisticated computer-aided dispatch technology, the police officer has the ability to query the computer for calls at specific locations during previous shifts. In order to properly prepare for patrol duty, the officer should make an effort to know what has occurred on the beat during the previous shift.

Prior to beginning patrol duties, it is important that the officer conduct an inspection of the police car. The officer should ensure that the emergency lights and siren are working properly. This may require that the officer briefly tests them before leaving the police motor pool or the parking lot. Does the patrol car's engine seem to be running well? Is there any maintenance that is overdue that may be critical to the performance of the patrol car during the next shift? Are the tires on the patrol car properly inflated and does the tread look good?

All equipment carried in the patrol car should also be inspected. Such equipment may include, but not be limited to, a traffic accident investigation kit, traffic stop spikes, police report forms, traffic cones and flares, gas mask, protective riot helmet, bull horn, first aid kit, equipment used to investigate crime scenes, and any additional firearms and ammunition carried in the patrol unit. Finally, if the police car is dirty, it should be washed before it is put into service. Many police departments have a car wash which allows the officer to do a quick wash of the vehicle, while other departments contract with a car wash business in the community.

▶ Patrolling the Beat

beat A geographical area of responsibility for a police patrol officer during a tour of duty. A beat is sometimes referred to as a response area or response zone.

After a police officer attends the squad meeting, he or she proceeds to the beat. As you will recall, a **beat** is the geographical area that a police officer is assigned for purposes of police patrol. The officer should be nonroutine when traveling to his or her beat. In other words, it is sound police practice to alternate the route that is traveled to the beat each day. This is important in the event that someone is trying to learn the police officer's habits.

Police patrol officers have an enormous amount of responsibly. Typically, Hollywood's portrayal of the officer on the beat is almost always glamorous crime-fighting duties. The fact of the matter is that police officers perform a number of other vital responsibilities in addition to crime fighting. We review a few of these responsibilities in the following pages.

Knowledge of Persons

Police officers should be aware of persons who may pose potential criminal problems on their beats. The officer should always be aware of persons who have recently been released from prison, returned to the community, and are specifically residing on their beat. The Department of Corrections in most states notifies law enforcement agencies of upcoming prison releases that will be returning to the community. Police officers should make a point to keep track of parolees and others who have been recently released from prison and are living on the officer's beat. It is also a good idea to be conscious of registered sex offenders living on the beats. Police officers and the general public have access to registered sex offenders, usually through their state investigations agency's website and through the National Sex Offenders Data Base, which is maintained by the U.S. Department of Justice.

VOICES OF EXPERIENCE

PATROL OFFICER

Excerpts from an interview between Cliff Roberson and retired police officer, John Hill, who is now an associate professor at Salt Lake Community College, Salt Lake City, Utah.

Q: You have stated that you enjoyed your assignments as a patrol officer. Why?

A: Even though there were quiet times, when you went to work each day, you never knew what action you were going to be involved in. Now, as a college faculty member, I know what I'm going to do each day. Patrolling was a challenge and was not routine. Most of our patrols were in our vehicles, but frequently we would park our vehicles and do a "park and walk" patrol, especially at malls and other public places.

As a patrol officer you were assigned a district and that district was yours. You handled everything that came in from that district. It gives you a sense of responsibility. Often you would need help from other officers, especially when there was a major crime in the district. You developed a sense of protection for that district. Often on the way home from the station I would go out of the way to drive through the district. You get to know the people and businesses in your district. Many people would think that would make your job harder to enforce the law in that district, but it actually made it easier and the citizens often assisted you in solving crimes once they got to trust you. In our department most of our patrols were single officer patrols. Sometimes there would be "manpower cars" that were available to assist the officer.

A typical day started before 8:00 AM, 4:00 PM, or midnight; changing weekly when we would attend roll call to be briefed. If there were no pending calls, I would take a tour of the district. At roll call, you would be advised if something happened in your district since your last shift. The most aggravating situation would be when you came to work and the calls were backed up. You would make the calls and some people would be upset because they had been waiting for hours after their call. I would explain to them that I had just come on duty and that the prior shift was overloaded with calls. When there were calls stacked up often, you would feel that the prior shift had been a little lazy and shifted the calls to you. It would be a better shift if you came out of roll call with no calls. Then you arrange your day to provide the best service to the district.

Most of our calls were dispatched by radio, later we had a computer in the vehicle and we received dispatches from it. While driving around on patrol I would normally be looking for anything out of the ordinary. You develop a sixth sense regarding what is not normal. You spend a lot of time talking to people. Someone riding with you may think you are wasting time, but I found that talking to people and building a sense of trust helped in the long run.

Source: Used with permission of John Hill, Associate Professor at Salt Lake Community College, Salt Lake City, Utah.

Police officers should get to know neighborhood watch coordinators, neighborhood association leaders, convenience store clerks, service station workers, the metropolitan local paper delivery persons, bar and club owners, local ministers or church leaders, the directors of youth clubs in the area, and school teachers and principals. All of these persons have the potential of making the police officer's job much easier by providing information on persons, places, or things; for example, you may ask why it is necessary for a police officer to establish a rapport with the metropolitan newspaper delivery person. Like the police officer, the newspaper delivery person delivers newspapers day after day in the same neighborhood. Thus, he or she gets to know things that are out of place. The newspaper delivery person typically delivers the newspaper at the earliest hours of the morning, when there is relatively minimal movement of traffic or people in neighborhoods. The newspaper delivery person may see a car leaving a neighborhood where a burglary or some other crime was just committed, or see a vehicle that looks out of place or suspicious. Many times the potential eyes and ears of the newspaper delivery person go untapped simply because the police officer doesn't make an effort to contact him or her and establish a rapport.

Police officers should be on the alert for suspicious acting persons on their beats, especially persons acting in a suspicious manner around businesses. It could be that a person's suspicious activity is for the purpose of casing a business or residence for a robbery or burglary. When an officer stops a suspicious person, he or she should check to ensure that the suspicious person does not have a **warrant** that has been issued for his or her arrest. The officer should complete a field interview card or enter the pertinent information on the suspicious character via the officer's laptop computer. Laptop computers are installed in many police vehicles. One Bureau of Justice Statistics study found that over 90 percent of local police departments serving 25,000 or more residents were using in-field computers (Reaves, 2010).

warrant A writ or judicial order issued by a court of law directing a law enforcing officer to arrest or seize a specifically named person, or to search a specific known location for fruits or instrumentalities of a crime.

Police officers should talk to as many people as possible during a shift. If possible, the police officer should try and contact as many potential offenders as possible during a patrol shift. The officer working in the same area day after day should know who is up to what, and who he or she must keep an eye on. If an officer stops a suspicious person and decides to do a brief **field interview**, legal guidelines and specific departmental policy should be followed. A field interview is a brief interview that a police officer conducts with a suspicious person. The field interview card or form which is completed usually captures such information as the name and physical description of the person, the time and date of the contact, and what explanation the person gave the officers for being in the area. If a number of burglaries or other crimes occur in the area, the investigators can query the field interviews that were conducted in the area and may potentially develop a suspect based on an observant officer who took a few extra minutes to complete the field interview card or form.

field interview A police practice of stopping a person and demanding an explanation of why that person is in a certain place at a particular time. This information is usually recorded on a field interview card and indexed for intelligence purposes.

Because of the importance of protecting the safety of police officers during a field interview, the Court held in the *Terry v. Ohio* decision that when the police stop a person, they have the ability to conduct a quick surface search of the person's outer clothing for weapons. This is allowed if the officer has a reasonable suspicion that the person who has been stopped is armed and dangerous. This police action is commonly referred to as a "*Terry* stop." We discuss this in greater detail in Chapter 15.

Casual conversations with citizens are a critical law enforcement function. Actions such as knock and talk, conversing with persons in public, and other similar actions are encouraged but must end when the person indicates a desire to end the contact, and the officer has no reason to detain the person under applicable legal authority. Officers must recognize that perception can create community dissension as quickly as reality. Therefore, officers must take all reasonable steps to prevent giving a perception of stopping citizens without legal basis or in violation of their specific department policy. Likewise, creating an appearance that the person stopped is suspected of grievous conduct when no such reason exists is not a sound police practice; for example, an officer stops a person for a minor violation and more officers are present at the scene than necessary to safely complete the law enforcement business at hand. It must be remembered at all times that courtesy and respect toward all persons stopped and contacted by the police are critical to assure positive community impact and to minimize misperceptions about the purpose of the stop.

Inspection of Places

While it is important that police officers on patrol be aware of suspicious persons, it is equally important that they make a whole-hearted effort to inspect problem locations or potential problem locations. This may be as simple as inspecting a vacant house that could become a haven for idle youth. Likewise, abandoned buildings and other structures should be inspected on a periodic basis for vandalism and other illegal activities, and to ensure that homeless populations have not taken up refuge.

Adult entertainment establishments and bars located on the beat should also be inspected. Police officers will readily admit that some of these types of establishments are gathering spots for unsavory persons and for criminal activity involving prostitution and

drugs. The periodic police presence in these establishments may deter certain criminal activities. Upon inspection of an adult entertainment establishment or bar, the officer should remain professional at all times. Patrons that look underage should be checked. The liquor license should be inspected to ensure that it is up-to-date and conspicuously hung, if this is the legal requirement. The police should never give the impression that they are simply there to harass the club employees or patrons. Likewise, they should never accept any food, drinks, or other gratuities from any employee or owner of these establishments. This can backfire on the officer quickly, particularly if for some reason the officer upsets the club owner; for example, the club owner may take it upon himself to call internal affairs and report that the police officer has been taking free drinks and food from the club, and is getting very friendly with a few of the dancers.

There are many other locations that should be inspected by police patrol on a regular basis. These include, but are not limited to, buildings under construction, shipping docks, amusement parks, pool halls, pawnshops, and game arcades and parks that are known for mischievous activity. The surveillance of potential traffic hazards at major intersections should be done on a fairly routine basis. This may involve reporting a stop sign that is missing from an intersection or reporting a traffic signal light that is malfunctioning. Officers should make it a point to check businesses and other buildings after hours. Parking the patrol car and physically walking around the building checking windows and doors is a good way to do this, while at the same time getting a little exercise that will help the officer stay alert. This is especially important for those officers working third shift, or the midnight shift, as it is sometimes called.

Answering Crime Calls

Obviously, a priority of the police is to answer crime calls. Crime calls can typically be divided into two categories: crimes in progress and crimes that have already occurred that the police respond to in order to take a report. One study found that the police spend about 29.1 percent of their time answering crime incidents (Mastrofski, 1983). This study found that of the 29.1 percent of crime incidents, only 3 percent involved violent crime; 15 percent involved nonviolent crime; 1.3 percent involved morals crimes, such as gambling, prostitution, obscene behavior, and pornography; and about 9.8 percent were suspicious circumstances, such as prowlers, gunshots, screams, suspicious persons, and the like.

Depending on the nature of the crime, the manner in which police respond may vary; for example, an armed robbery call almost always results in several officers being dispatched to respond. This is also the case for a burglary in progress or any other crime that is "in progress."

In some calls to crimes in progress, the agency's SOP provides guidance to the police response; for example, in a call to a robbery in progress, some agencies' SOPs dictate that the officer whose beat the armed robbery originates on will use a weapon, such as the police riot shotgun or some other long rifle as the primary weapon, while other responding officers would use their side firearms as the primary weapon.

After receiving pertinent information from the dispatcher, police officers should respond to the crime in progress call immediately. Unless the call is such an emergency that the officer responds using red lights and siren, all officers should drive at a reasonable speed in order to get to the call quickly. Officers should obey all traffic laws when responding unless they are driving in the emergency mode using the red lights and siren. When an officer is dispatched to a crime in progress, the first consideration is to "drive to arrive." The officer has an obligation to other police officers and the community to drive and arrive safely at the scene of the crime in progress. The first officer to arrive at the scene should quickly obtain as much information as possible and broadcast this information to other

THE BEAT MANAGEMENT TEST

Police officers should ponder the following questions. Knowing the answers may significantly assist the officer in more effectively managing his or her beat.

1. What is the square mileage of your beat?
2. How many businesses (grocery stores, bars, adult entertainment establishments, game arcades, pool halls, etc.) are on your beat?
3. What's the name of one attendant who works at a gas station that is located on your beat?
4. What's the name of the newspaper carrier on your beat?
5. Where is the nearest fire station located?
6. Where is the nearest hospital located?
7. When does the neighborhood watch group(s) meet?
8. What's the name of the neighborhood watch coordinator(s) on your beat? Where do they live? How would you contact them?
9. How many burglaries occurred on your beat last month?
10. If there is a school located on your beat, what's the principal's name?
11. What is the median income level of residents living on your beat?
12. What are the racial characteristics of residents living on your beat?
13. What's the drive time from one side of your beat to the other during heavy traffic?
14. What's the name of one clerk working in a convenience store that is located on your beat?
15. If your beat has an active neighborhood association, who is the contact?
16. How many registered sex offenders live on your beat?
17. What are the most significant crime problems on your beat? Can you back this up with data?
18. Do you have any informants who you could turn to for information about criminal activity specifically occurring on your beat?
19. What are the most significant concerns of residents living on your beat?
20. When was the last time you parked the patrol car during down time and walked around a few neighborhoods talking with citizens?
21. If you have churches or places of worship located on your beat, do you know the name of one priest or minister serving the residents?

units responding to the call. Information that can later be vital to officers in the apprehension of a suspect(s) may include:

- The presence of suspects (i.e., how many).
- Possible routes of escape that could be used by the suspect.
- A description of the suspect(s) to include gender, race, approximate age, and any other distinguishing characteristics, such as a visible tattoo on the forearm, a full beard, a goatee, and walking with a limp.

- Description of suspect vehicle, including any unusual marks or distinguishing characteristics.
- The presence of any weapons, including description.
- If a weapon was seen, were there shots fired?

The first officer to arrive at the scene must make the determination to either request additional units or cancel any units already dispatched that will not be needed at the scene. Furthermore, he or she is responsible for requesting medical aid if needed. It is important for the first police unit that arrives on the scene to broadcast information to other units and to the dispatcher quickly. Units not involved in the response should minimize their use of the police radio until the scene of the response is safe or the situation is declared under control. In many crimes in progress calls, the dispatcher will give the officers at the scene **emergency radio traffic**. Emergency radio traffic basically alerts other police field units to limit their radio traffic until the on-scene units advise the dispatcher to release emergency traffic. In some departments, officers responding to a crime in progress call will switch to an alternate frequency, if such a frequency exists.

emergency radio traffic Usually given to officers who check out a potentially dangerous scene. This basically means that officers should keep minimal radio traffic (stay off the radio) unless absolutely necessary or until emergency traffic is released by officers on the dangerous scene.

Responding police units should be alert to suspicious people or vehicles as they approach the scene. The officer should avoid becoming so focused on getting to the scene that fleeing suspect(s) or other persons related to the crime are missed. If suspects or vehicles are observed, the responding unit should broadcast identifying information so that other units can investigate. The primary responding officer should always continue to respond to the scene and let other incoming police units investigate such observations. This is important in the case where a victim has been injured and it is imperative to quickly provide medical aid. For crimes such as burglaries and robberies in progress, police officers should attempt to arrive at the scene as quietly as possible by:

- Turning off emergency lights and siren and slowing down for the final vehicular approach.
- Whenever possible, using parallel side streets for response routes.
- Parking the police vehicle in a position that is out of direct view of the scene, if practical.

Once in position, the first arriving unit should initially observe the crime scene before taking any action. Find out as much information about the nature and seriousness of the call as possible before initiating action. If there is obvious and immediate danger to the life of another, or an obvious threat of serious property damage, the police officer must take action initially to protect the victim and property.

Many police calls are crimes that have already occurred and the police are called to investigate and make a report; for example, suppose one evening you are out late. As you pull into the driveway to your home, you immediately notice that someone has thrown toilet tissue over your landscaping. As you walk closer to the house you can't help but notice that someone has spray painted graffiti all over the front of your garage door. Additionally, your garage window has been broken out with a rock. Startled, you nervously pull the cell phone from your pocket and dial 911. The dispatcher asks for the nature of the emergency and you reply that someone has vandalized your home. The dispatcher asks several questions and then informs you that an officer will be dispatched and should be there shortly.

After about 45 minutes the officer arrives. He relates to you that it has been a busy night and that's why it took so long to respond. The officer asks you many questions, such as "When did you leave for the evening?" and "When did you come home to find the vandalism?" You are also asked if you have any idea who committed the vandalism. The officer pulls a camera from his patrol vehicle and takes a few pictures of the broken window and of the graffiti, which according to the officer appears to be gang graffiti. After about 15 minutes the officer relates to you that he will do a police report and that he will try to step up patrol in the neighborhood.

The prior fictional scenario is an example of the police responding after a crime has occurred and taking a report. Police patrol officers engage in a significant amount of time taking reports on crimes that have already occurred. Think about this for a moment: How many times have you been the victim of a crime and called the police to make a report? Probably more times than you call the police and report that you are the victim of a crime in progress.

Community Policing Activities

With the community policing strategy, police officers are expected to incorporate this strategy into the way that they manage their beats. Community-oriented policing is the strategic process of establishing a community climate and an active partnership with the police. Community policing consists of three complementary core components: community partnerships, problem solving, and organizational transformation. The police patrol officer has responsibility for the first two: community partnerships and problem solving. Officers are more familiar with their beats than any other rank-and-file police officer. Police officers are exposed to the problems on their beats on a daily basis and are in the best position to react quickly to crime trends. Effective community policing has a positive impact on reducing neighborhood crime, helping to reduce fear of crime, and enhancing the quality of life in the community. It accomplishes these things by combining the efforts and resources of the police, local government, and community members.

The strategy of community policing requires that the police officers get in touch with the citizens living on their beats in order to learn what the citizens perceive to be problems in their neighborhood. One goal of community policing is to reduce crime and disorder by carefully examining the characteristics of problems in neighborhoods and then applying appropriate problem-solving remedies. As discussed previously, police patrol officers are in the best position to identify problems because they are exposed to the problems on their beats on a daily basis. It goes without saying that the police patrol officer is in the best position to tailor the best solutions to neighborhood problems.

Under the strategy of community policing, the police function includes the provision of services that in the recent past have been regarded as outside the scope of what the police normally do (Goldstein, 1990). These services include aiding accident and crime victims, arbitrating neighborhood and domestic disputes, and providing emergency medical and social services (Friedmann, 1992). Whenever possible, the police officer should make regular contact with neighborhood watch coordinators and neighborhood association members, and attend neighborhood meetings. A discussion of the police officer's role in a community-policing environment is presented in greater detail in Chapter 4.

preliminary report A report that details a crime incidence completed by the first responding police patrol officer. The preliminary report is used by detectives in the subsequent follow-up investigation.

activity log A log kept by police patrol officers during patrol shift. The log is a record of all activities performed by the officer during the patrol shift; for example, all dispatched calls, car stops, building checks, and other self-initiated activities are recorded. This includes the time the call or activity was initiated, the time the officer arrived at the scene, and the time the call was cleared.

Administrative Tasks

The police officer's job on patrol entails a significant amount of administrative tasks. Every crime call that an officer responds to requires a **preliminary report**. Every traffic accident investigated and every traffic citation written requires that a report form or citation form be completed. The amount of paperwork that a patrol officer is responsible for completing can be time consuming.

Most police departments utilize a standard offense report form that can be used for all police reporting regardless of the crime. Other types of administrative tasks that the police officer on patrol will invariably have are maintaining an **activity log** and attending a neighborhood watch meeting or some other community meeting. The activity log is a form that the officer completes at the completion of any activity performed during the patrol shift. If the police officer leaves the police squad room and initiates a traffic stop while driving to his beat, this would be recorded on the activity log, along with the

IMPORTANCE OF FIELD NOTES

One of the basic functions that a uniformed police patrol officer performs more than any other is writing reports. As the first officer on the scene, the uniformed officer conducts the preliminary investigation, and depending on departmental and/or jurisdictional policy, may be responsible for the entire investigation. The officer may conduct an outstanding investigation, but unless that officer can explain his actions and describe the particulars of the event clearly and accurately, no one will ever be aware of how well the investigation was done. An officer's field notes serve as notations concerning specific activities and events that an officer encounters in the performance of police duties. Field notes can serve as a general memory guide for an officer when writing the official report or when recalling key details at a later time. Field notes provide the foundation for the officer's report. Sketches included in the field notes can be useful later with crime scene reconstruction. Sketches made in the field notebook present the police officer with a graphic illustration of the crime scene that complements the written description. Field notes provide a better basis for documenting persons, places, times, dates, and events than an officer's memory. Police officers should consider their field notebooks to be essential parts of their equipment. The notebook should be one that the officer can easily carry in his or her pocket.

location and time of stop, the time cleared, and the action taken. If a traffic citation was issued, the citation number may be placed in the "activity taken" space. Because many law enforcement agencies have installed laptops or computers in their field patrol units, the officer activity log is now submitted electronically which eliminates the need for a hand-written log.

▶ Handling Offenders

Regardless of the nature of the crime, police officers should use the same uniform procedure when placing a suspect into custody. The police officer should never take anything for granted. It is a wise practice that there be at least two officers present when making an arrest; however, out of necessity, a great many arrests are made by one officer. An arrest must be based on a **probable cause**. Probable Cause to Arrest is a set of facts and circumstances that would lead a reasonable and prudent person to believe that a crime has, is, or will be committed, and that the person in question committed the crime.

probable cause Exists where the facts and circumstances within the officer's knowledge and of which he or she has reasonably trustworthy information is sufficient to warrant a person of reasonable caution to believe that an offense has been or is being committed.

When an officer makes an arrest, it is always best if the offender voluntarily complies with the officer; however, in reality, it is impossible to predetermine a suspect's reaction to police arrest. The offender may submit peacefully or fight violently for their freedom. The offender may even fake sickness or resort to other trickery, in the hope that they might escape from police custody. This critical period, from the time prisoners are first placed under arrest until they are safely placed in the custody of the detention facility or lock up, requires increased vigilance on the part of every officer involved. This is the time when the prisoner has an opportunity to decide what action to pursue and may attempt to escape or violently attack the arresting officer or transporting officer. Some guidelines for the apprehension of the offender are:

- If possible, wait until you have a backup officer present before making the arrest.
- Remain alert at all times.

- Always expect the worst.
- Evaluate the suspect's demeanor and physical conditioning.
- Maintain a safe distance during the initial contact.
- After the suspect is handcuffed, advise him or her of the nature of the offense.
- When placing the suspect in custody do so quickly.
- Remove the subject to a safe but secure place as soon as possible to avoid bystander interference, if at all possible.

Handcuffing and Search

When handcuffing an offender, the officer should always expect the unexpected. For tactical reasons, it is best if the officer places the handcuffs on the offender prior to conducting a search for weapons. This reduces the chances that the offender may attempt to grab the officer's sidearm or resist the officer's commands. Offenders' hands should always be handcuffed behind their backs, except in the case of a serious handicap or conditions that would make handcuffing painful or impossible for the offender. Handcuffing an offender in the front increases the chances that a potential weapon could be retained by the offender, which could be used to inflict serious bodily harm. The quicker the offender is handcuffed, the less likelihood of a physical confrontation between the offender and the officer. A handcuffed offender will have a more difficult time putting up a fight with their hands handcuffed behind their back. Once the handcuffs have been secured on the offender, advise him or her of the reason for the arrest and begin the search.

The search should be more than just a quick pat down. The quality of the search is of utmost importance, as "frisk" is not enough. A thorough search applies to all prisoners. Never assume that the prisoner was searched by another police officer; conduct your own search. At the time of the search, anything that can be used as a weapon should be taken away from the offender. Aside from the usual assortment of guns, knives, and other weapons, pencils, pens, heavy buckles, and similar items must be removed.

If possible, an officer of the same gender should be used to search offenders. A police officer may search a handbag or outer garment, such as an overcoat (after it has been removed). If the offender is wearing a wig, officers should carefully check under the wig. A female prisoner with a heavy handbag, a hat pin, or spiked heels can cause serious bodily harm to the officer or others if she is allowed to keep these items in her possession. If the officer feels some object through the clothing, he or she should always ask the offender what is in their pocket before reaching into the pocket. This will prevent the officer from getting stuck with a syringe or from being cut with some sharp object in the offender's pocket. Some guidelines when handcuffing and searching offenders are:

- Handcuff first and search second.
- Keep a balanced position at all times.
- Keep the offender off balance.
- Watch the offender's head and shoulders for signs of movement.
- Keep verbal commands brief and clear (the offender has to understand what you want him or her to do).
- Keep a tight grip on the handcuffs during the entire handcuffing procedure.
- Don't simply pat down, grab and squeeze the clothing.
- Find out what is inside the pocket before reaching into it.
- Always expect the unexpected (be prepared for the worst).

- Check the snugness of the handcuffs to ensure that the prisoner cannot get his or her hands out of them.
- Police officers should never handcuff themselves to a prisoner. This is a good way to get seriously injured or killed.
- Double lock the handcuffs so they won't tighten up on the prisoner during transportation.
- Place the handcuffs on the prisoner snugly (not so tight that they cause pain to the prisoner or the prisoner's wrists are visibly traumatized).

Officers are responsible for the safety of prisoners in their custody and special care should always be used. Proper handcuffing procedure should be used to protect from positional or restraint asphyxia. **Positional asphyxia** occurs when the head and neck are turned or situated so as to obstruct the upper airway (interfering with the ability to breathe), and the reflex drive to right the head is dulled by alcohol, drugs, injury, or disease. This can result in death.

Restraint asphyxia occurs when one or more individuals restrain another, impairing the subject's ability to breathe. Mechanical impairment of respiration can occur in a prone (face down) restrained position, or in other positions, by restriction of chest and abdominal movements necessary for proper respiration. Restraints in such situations may include a combination of handcuffing hands and feet behind the back and with pressure applied to the torso, or laying the offender in a prone position for any length of time. These situations can interfere with respiratory movements and result in an asphyxia death. Exertion and drugs can be additive factors in such situations. Officers should use additional restraints as needed in the case of a combative offender.

positional asphyxia Most simply defined as death that occurs because the position of a person's body interferes with respiration (breathing) and the person cannot get out of that position. Death occurs due to the person's inability to breathe anymore. Any body position that obstructs the airway or that interferes with the muscular or mechanical means of getting air into and out of the body will result in a positional asphyxia death if the person cannot get out of it.

Transporting Offenders

Prior to transporting a combative offender, additional restraining devices may be needed to secure a prisoner who violently resists arrest or who manifests mental disorders such that the prisoner poses a threat to himself or the public. Leg-restraining devices should be used on combative, kicking subjects at the discretion of the transporting officer. Hog-tying (hands and legs tied together behind the back) as a means to secure a combative prisoner *should never* be used. This method of securing a combative prisoner can lead to positional or restraint asphyxia. In all situations, if possible, the prisoner should be transported in an upright position to avoid the potential of restraint asphyxia. When transporting offenders, police officers should be conscientious of all traffic laws. The objective is to deliver the offender safely to the booking facility.

restraint asphyxia Restraining an offender in a manner to physically restrict the body's movement. The factor that distinguishes a restraint asphyxia death from a positional asphyxia death is that some form of restraint is the reason the victim could not escape the asphyxiating position.

A large number of the prisoners transported by officers have been arrested for misdemeanor crimes and many of them may be under the influence of alcohol and/or drugs. Officers should be as cautious with this type of prisoner as they would be with the felony suspect. Be firm, but not abusive. No matter how agreeable a prisoner may seem to be, the officer should never be caught off guard. The "friendly drunk" may be wanted for a serious crime and is waiting for the officer to relax his or her alertness, so that the prisoner can attempt an escape.

When transporting female prisoners, officers should advise the dispatcher of the starting mileage and the destination when the transportation is initiated, and the ending mileage when the final destination is reached. This procedure is followed to avoid a later allegation of sexual misconduct. The ideal situation when transporting female offenders is that a female police officer rides along during the transport; however, this is not always possible.

The police vehicle must be thoroughly searched for weapons or evidence after the prisoner has been delivered to the booking facility. In some cases it is not that uncommon for weapons, narcotics, and other evidence to be found after a prisoner has been removed from

PRACTICE HINTS

SUMMARY CHECKLIST FOR PRISONER HANDLING

1. Handcuff the suspect behind his or her back. A promptly handcuffed suspect significantly reduces the chances of a physical encounter.
2. Be mindful to never leave a handcuffed suspect in a position that may result in restraint or positional asphyxia.
3. After the suspect has been handcuffed conduct a search of their person. It is important that you remove any items that could potentially cause harm to others or the suspect.
4. Control the suspect while keeping him slightly off balance during the search.
5. Keep all nonauthorized persons such as friends and relatives away from the suspect at all times.
6. If there is more than one suspect that has to be taken into custody, radio the dispatcher for a back-up unit.
7. Always be mindful of weapon retention. Keep your weapon side turned away from suspect at all times.
8. When transporting prisoners always expect the unexpected. Be aware of your surroundings at all times and take the most expedient route to the booking facility.
9. If needed, ensure that prisoners receive proper medical attention for injuries. Often local jail facilities won't accept prisoners who have injuries until they are treated by medical personnel. This will typically require that the prisoner be transported to the nearest hospital emergency room for treatment before she/he can be booked into jail.

the car. Officers should search assigned vehicles prior to the start of their shift or especially prior to transporting prisoners, especially if the officer intends to file charges on evidence found in the vehicle after transporting the prisoner. If a prisoner is sick or injured, he or she should be transported immediately to the nearest hospital for first aid before being taken to the booking facility. Common procedures for transporting an offender are:

- Always place a seat belt on the offender.
- Never handcuff an offender to any part of the police vehicle.
- Never make traffic stops or become involved in other police matters (unless life or death incidents) when transporting offenders. The offender's safety is your responsibility.
- Inspect the area where the prisoner will be seated before putting the prisoner there.
- Inspect the police vehicle after the offender is removed from the vehicle.
- Always search all prisoners before placing them in a vehicle.

Juvenile Offenders

Much of the same procedure should be followed when taking a juvenile offender into custody. When a male juvenile is taken into custody, he should be searched as thoroughly as an adult offender. Officers should make a preliminary search (purse, shoes, etc.) of female prisoners and maintain surveillance until a female officer or parental home authorities can make a more thorough search. It is permissible to handcuff juveniles using good judgment and depending upon circumstances involved. Two officers should always be present while transporting female juveniles. Juveniles should not be transported along with adult offenders. When dealing with juvenile offenders, police officers should be alert and firm. Juvenile offenders can be just as tricky as adult offenders.

▶ Civil Unrest

On April 29, 1992, four Los Angeles police officers were found not guilty of committing any crimes against Rodney King. Rodney King, an African-American, was pulled over for a traffic violation. According to the officers, King emerged from his automobile in an aggressive manner that suggested he might have been high on drugs. Before handcuffing King, the police delivered some 56 blows and kicks and a number of shocks from a Taser stun gun to King, while almost 20 other officers stood by and watched. A man named George Holliday, standing on the balcony of a nearby building, videotaped the incident. The next day, he gave his 81-second tape to Los Angeles TV Channel 5. By the end of the day, the video was being broadcast by TV stations around the world. After the announcement of the verdict, the Los Angeles police were caught fleeing the area where large-scale riots had erupted. The National Guard was then called in. The riots ended six days after they began and resulted in the deaths of 42 people, the burning of 700 structures, the arrest of nearly 5,000 people, and almost $1 billion in property damage.

The police have historically had to deal with civil unrest, whether it is a small handful of demonstrators who have become rowdy or large-scale riots like the one described previously in Los Angeles. Facing a large and hostile crowd can be very scary for a police officer. It is easy for police officers during large demonstrations or civil unrest to become overwhelmed and overreact, especially if they have been inadequately trained or the agency has haphazard procedures to deal with such situations, or worse yet, none at all. It must always be remembered that a demonstration has the potential, if not properly controlled and contained, to escalate into a large-scale disturbance or riot.

Often the police are in a position to prepare for the possibility of civil unrest as a result of intelligence information that has been gathered by other police units. Likewise, many cities require groups wishing to protest to obtain a permit to hold a protest or demonstration. Permits usually require the group to furnish the date and times of their demonstration. This, of course, allows police authorities to prepare for the worst-case scenario, especially in cases where the demonstrators may be unpopular in a community.

Police officers should be cognizant at all times not to intervene or interfere with the lawful conduct of persons in the exercise of their constitutional rights, regardless of how the police officers themselves feel about the demonstrators. The police agency must recognize its obligation to protect the free exercise of constitutional rights, and the reasonable measures to do so while striving to maintain public order. Police intervention should only occur when violations of the law and threats to public safety require law enforcement response. The police are caught in a position where they have to protect the constitutional rights of demonstrators while doing so in a manner that will minimize the possibility of social unrest.

Planning

Planning is the key to the effective handling of demonstrations. Proper planning will also allow the police to develop a written action plan. The ideal situation, of course, is when the police can meet with the leaders or organizers of the demonstration, labor picketing, or mass protest in advance. The purpose of the meeting is to:

1. Inform organizers of the police agency's policies that are followed in such circumstances.

2. Provide organizers with information on laws and statutes that may apply.
3. Address any concerns of the organizers or sponsors.
4. Attempt to obtain a commitment for voluntary compliance with the law and reasonable public safety measures.
5. Identify contact persons for further consultation, if needed.

Remember, the police must safeguard the right of the group to protest while preventing civil unrest.

The following are important questions and should be carefully considered during the planning stages:

1. How many people are expected to be involved in the demonstration?
2. What specific boundaries will be maintained for the demonstrators, counter-demonstrators, and curious on-lookers?
3. Who is the leader(s) of the demonstration?
4. What other protests has the group conducted?
5. What time will the protest start and when will it end?
6. What type of counter-protest, if any, can be anticipated?
7. How many and how fast can police personnel be deployed to the scene if needed?
8. Where will the police command center be located?
9. Who will be in command in the event of a multi-jurisdictional response?
10. Are there large enough facilities to handle massive arrests if needed?
11. Will there be paramedics at the scene to treat minor injuries and heat-related problems if the demonstration is held during warm weather?
12. Where are the nearest medical facilities, in the event of injuries?

Written plans should be disseminated to all police personnel assigned to the demonstration. Likewise, police personnel should be debriefed prior to the demonstration. In some instances, it may be desirable for police officers to go through refresher training on such topics as riot control, dispersion of chemical agents, dealing with passive resisters, use of the baton, and other use of force issues.

Controlling the Crowd

There are several types of crowd classifications that police may encounter. The *casual crowd* is loosely organized and may lack any type of sound leadership structure. It is relatively easy for the police to disperse this type of a crowd. The *cohesive crowd* assembles for a common purpose, but without leadership. Spectators at a sporting event or concertgoers would be considered a cohesive crowd; for example, the crowd at a sporting event would have a common purpose, but would think and act as individuals. The *expressive crowd* has a leader or leaders and assembles for some common purpose, usually expressing an attitude about a person, policy, or group. A crowd that has gathered at a political rally or event is an expressive crowd. The *aggressive crowd* has a leader or leadership structure and assembles for some common reason. This type of crowd is usually determined to accomplish a specific goal and more actively move toward their goal when compared with the expressive crowd. The aggressive crowd exhibits highly emotional tensions. This type of crowd creates a problem for the police because of its potential to become disorderly and escalate into a more serious situation.

During a demonstration or other event that attracts a large crowd, written plans and the agency's SOP should be closely followed. The primary objective of the police during a demonstration is to control the activities of the crowd. This includes being on the constant lookout for unusually disorderly persons or persons who appear to be inciting mob violence. These persons should be dealt with and removed as quickly as possible. The police should be as discrete as possible in removing these individuals so as to not attract attention from others in the crowd. It is possible that the removal of a person may attract scrutiny from other demonstrators, thus the police should exercise diligence. If the situation warrants, surveillance should be established to provide intelligence information about the disorder, such as crowd estimates or public safety hazards. Such surveillance may include the use of undercover personnel and photography.

It is ideal for the on-scene police commanders to be able to contact key leaders of the demonstration during the demonstration. Leaders of the demonstration may be willing to cooperate with the police to defuse a potentially disastrous situation. In the case that protesters are exhibiting conduct that is bordering on disorderly and illegal, police commanders should make contact with the leaders of the demonstration and ask for their cooperation in defusing the disorderly conduct of the demonstrators. There are always certain identifiable indicators leading up to a civil disturbance that police officers should be aware of. In order, they are: (1) irritable stage, (2) growth of crowd, (3) milling, (4) precipitating event, (5) hysterical and uncontrolled violence, and (6) spread of violence (Whisenand & Cline, 1971).

It is important for police officers at all times to remain professional and not lose their cool during a protest. This may be difficult and require much discipline on the part of the individual police officer, especially in cases where the officer personally disagrees with the purpose of the demonstration, such as a demonstration by a white supremacy group. The simple overreaction on the part of one police officer can aggravate the crowd. The 1965 Watts riot is an example of this. Watts is a neighborhood located in Los Angeles. The Watts riot erupted from a routine arrest of a drunk driver. A Los Angeles police officer stopped a motorist, whom he suspected of being intoxicated. When a crowd of primarily African-American on-lookers began to taunt the police officer, a second officer was called in. According to eyewitness accounts, the second officer struck crowd members with his baton, and news of the act of police brutality soon spread throughout the neighborhood. The incident, combined with escalating racial tensions, overcrowding in the neighborhood, and a summer heat wave, sparked violence on a massive scale.

Riots

In the event that the demonstration gets out of control and erupts into a **riot**, the police must act quickly. In a riot the primary objective of the police is to protect life and property while bringing an end to the unrest. If a command post has not been established it should be as soon as possible. The command post should be selected based on the security and safety of the area, the proximity to the areas of operations, and the access to transportation and communications facilities. A perimeter should be established as soon as possible to limit access to the area of the riot. The police should make use of the loud speaker or a bull horn and issue commands to the rioters and others who may be caught in the middle of the riot. It is important for the police to communicate to the rioters to disperse and leave the area. The police should establish an exit point(s) for the crowd, while ensuring that the rioters are contained and do not affect other parts of the surrounding neighborhoods.

riot A public disturbance by three or more persons acting in an unruly and disorderly manner, and resulting in the potential risk of injury to persons, damage to property, and disruption of the public peace.

Dispersion Techniques

There are many techniques that can be used in crowd dispersal. A brief sketch of the fundamentals of crowd dispersion is offered in this section. Police officers are encouraged to consult with the policies and procedures of their agency for specific dispersion techniques.

A field force should be assembled and may be employed for the dispersal and/or arrest operations. It will operate under the control of the on-scene commander. Teams should be formed of at least six to eight officers for dispersal. The size of the teams should be based on the size of the group being contained and officer safety.

Announcement by bull horns or loud speakers advising persons to disperse or leave the affected area should be made, thereby setting the stage for arrests for those who remain. Uninvolved civilians should be requested to leave the area. It is important for the police to communicate to the crowd exactly what they want them to do. If the police desire the crowd to disperse using a certain exit or area, this should be communicated. The on-scene commander should ensure that an avenue of escape is available so nonviolators can leave the affected area. The on-scene commander may also order the use of less lethal force, such as chemical agents, if other efforts fail to disperse the crowd. At no time should police officers engage in verbal confrontation with the crowd. Likewise, when dealing with a large crowd or mob, it may be best to ignore minor infractions. The enforcement of minor infractions may incite the rioters into more escalated violence.

In riot situations, verbal commands may not be effective and it may be necessary for the police to form a skirmish line and advance through the crowd with the objective to disperse the crowd; however, it is important to point out that whenever possible sufficient police personnel should be gathered before any enforcement action is taken.

One technique that may be used is to assemble an adequate number of officers and approach the mob as a unified group. The unified group of police officers is presented as an inverted "V" into the group, whereby the crowd can be moved to either side as police officers advance. If arrests are made, those arrested are placed inside the "V" and handed off to waiting officers. Once the officers begin to advance in formation through the crowd, the crowd is able to move away to either side of the line, much like a snow grader on a snow-packed street.

As pointed out previously, when approaching rioters, it is important to allow its members an escape route. If the rioters are not allowed an escape route, this may perpetuate further violence and resistance. Persons who are given a chance to leave but refuse to do so should then be arrested. Only the minimal amount of force necessary to make the arrest should be used. It only takes one officer using excessive force to aggravate the crowd further. The police should continually issue clear and understandable commands to the crowd; likewise the police should under no circumstances issue an order that the police officers are not able to carry out.

PRACTICE HINTS

- **Civil Disturbance**—An unlawful assembly that constitutes a breach of peace, or any assembly of persons where there is imminent danger of collective violence, destruction of property, or other unlawful events.
- **Mass Arrest**—A mass arrest situation exists when the number of persons to be arrested exceeds the agency's ability to perform normal arrest and reporting procedures.
- **Arrest Teams**—These teams may be formed in instances of civil unrest. Police officers are divided into teams of two to four to make the physical arrests of perpetrators involved in an incident.
- **Processing Teams**—Teams of officers who will process persons who are arrested.
- **Processing Site**—A location identified that can adequately facilitate the processing and handling of large groups.

▶ High-Speed Pursuits

The May 15, 2013, issue of the *Herald Net (Everett, Washington)* reported the somber news that a women struck by stolen pickup truck had died of injuries. The women was driving on her way home from work when she was struck by a stolen vehicle that the police were pursuing (Stevick, 2013). Also, consider this headline, which appeared in the November 19, 2005, issue of the *Seattle Post-Intelligencer*, "Women Killed in Crash after Chase Identified." According to the Seattle police, a 33-year-old woman died after the car she was riding in flipped over and crashed into a building. Seattle police began to chase the car after it went through a stop sign. During the chase, someone in the car tossed out a cup filled with narcotics, according to police, although officers thought it could be a gun.

In another case, a deputy sheriff working in a Midwestern community was sitting in the parking lot of a convenience store one evening about 10:30 PM doing paperwork. He looked up and saw a vehicle leaving the parking lot with no headlights on and traveling at a high rate of speed. The deputy became suspicious that the convenience store may have just been robbed, so he began to pursue the vehicle as he radioed for the dispatcher to call the convenience store and check to see if they had been robbed. The deputy eased up closer to the rear of the vehicle and activated the emergency red lights and siren. The vehicle failed to stop and continued traveling at a high rate of speed. The suspect vehicle entered into a busy intersection, ignoring the red traffic signal, and broadsided another vehicle traveling through the intersection. The driver of the broadsided vehicle was killed immediately and the driver and passenger in the suspect vehicle were seriously injured. Why did they leave the parking lot in such a hurry without their headlights on? The answer is for seven dollars worth of gasoline. That's right; they put seven dollars worth of gasoline in their tank without paying for it and took off. The pursuit lasted two minutes, and at the conclusion of the two minutes there was a serious accident that resulted in the death of one innocent citizen, and serious injury to the driver and passenger of the suspect vehicle.

Police pursuits are dangerous not only for the police and the suspect, but also the general public. In spite of the safety and liability issues that center on police pursuits, the number of pursuits in the United States continues to increase, and a the majority of pursuits involve a stop for a traffic violation (Schultz, Hudak, & Alpert, 2010). The irony is that research tends to indicate that police pursuits turn dangerous rather quickly. So, for the most part they are not long and drawn-out chases like the glamorized pursuits depicted in the Hollywood cop shows, where the police pursue the suspect across the city before the suspect is apprehended or before the suspect crashes. One study found that 50 percent of all police pursuit collisions occur in the first two minutes of the pursuit, and more than 70 percent of all collisions occur before the sixth minute of the pursuit (Alpert, 1998).

police pursuit A police pursuit is an active attempt by an officer operating a police vehicle to apprehend the driver or occupants of a motor vehicle when the driver is aware of those attempts and is resisting apprehension by fleeing in the motor vehicle.

A 25-year-old New Jersey man was killed, July 18, by a driver that police chased for running a red light.

A 63-year-old Indianapolis grandmother was killed, June 7, by a driver that police chased four miles for shoplifting.

A 60-year-old federal worker was killed, March 19, near Washington, DC, by a driver that police chased because his headlights were off.

Source: Headlines taken from *US Today* newspaper, April 23, 2018. Retrieved from https://www.usatoday.com/story/news/2015/07/30/police-pursuits-fatal-injuries/30187827/.

Police authorities are faced with a not-so-envious decision on whether the risk of pursuing a fleeing suspect outweighs the risk of endangering police officers, the public, and the suspect in a chase. Police pursuits can result in great liability for the police agency (Barker, 1998). Most police departments have some form of written chase policy.

Factors to consider regarding high-speed pursuits:

- High-speed pursuit is considered as one of the most dangerous of all police activities.
- There tends to be more accidents during high-speed chases than there are police shootings.
- As a general rule, more uninvolved citizens are injured because of high-speed chases than are accidentally shot by the police.
- Small agencies tend to have a higher percentage of accidents occurring during chases than do larger departments.
- About one-third of all police chases result in traffic accidents.
- A high percentage of police chases started because of minor traffic violations.
- Most police chases are during the hours of darkness and on the weekends.
- Most often the fleeing individual is fleeing from a minor offense and not a felony violation.
- Most chases last less than 10 minutes, but at a high rate of speed they can cover several miles.
- The majority of injuries and deaths can be reduced by the adoption and implementation of a sound emergency operation policy.

Liability Issues

Police pursuits can be costly to the local government in terms of legal settlements. Police supervisors and officers should be keenly aware of the potential liability issues centering on police pursuits. Because of the critical nature of police pursuit situations, police executives must establish appropriate policy governing the actions of their officers during such incidents. Police executives must first consider the constraints and allowances set forth by state and federal statutes and court decisions applicable within their jurisdiction, and they must create a policy that balances the need to apprehend offenders in the interests of justice with the need to protect citizens from the risks associated with police pursuits (Pipes & Papes, 2001). Barker (1998) found a number of factors that determine the extent of pursuit liability:

1. **Purpose of Pursuit**—What is the need or reason for the pursuit? Does the reason warrant the risks involved? Has the violator only committed a traffic violation? Could the violator be apprehended at a later time?
2. **Driving Conditions**—This involves a general assessment of equipment, weather, and roadway and traffic conditions.
3. **Use of Warning Devices**—Warning devices on emergency equipment are a statutory requirement in most states during emergency vehicle operation. Nevertheless, the overreliance on warning devices, which leads to reckless actions, can create a liability risk.
4. **Excessive Speed**—Speed, especially speed when crossing an intersection against the light or a sign, is a critical consideration.
5. **Use of Force**—Force, such as firearms, ramming, boxing, bumping, or spike strips should be used when authorized by law and departmental policy. Whether or not the officers have been trained in their use will also become a liability issue.

6. **Continuation of the Pursuit**—A pursuit that is continued when the level of danger of the pursuit outweighs the benefits to be gained will increase the level of liability. Would a reasonable, trained police officer have continued the pursuit under the circumstances?

Pursuit Procedure

Police departments should engage in motor vehicle pursuits subject to the limitations and guidelines intended to maximize public safety and minimize the likelihood that the suspects will elude arrest. Generally, officers should not engage in or continue pursuits when the apparent risk created by the pursuit outweighs the necessity for immediate apprehension. Before a pursuit is initiated, officers must have a reasonable suspicion that the driver or occupants are involved in criminal activity or have committed a law violation, and must have emergency equipment activated, which includes the siren warning device and emergency lights, which should be visible on the patrol car. Upon initiating a pursuit, the officer should immediately notify the dispatcher and provide the location, speed, and direction of travel, reason for initiating the pursuit, and the description of the vehicle and occupants.

As soon as it is evident that the driver of the pursued vehicle is fleeing, officers should activate their emergency lights, siren, and headlights, and leave these on at all times during the pursuit. Most states' legal statutes provide that emergency vehicles are exempt from certain traffic regulations; however, it is important to point out that officers are not relieved from the responsibility to drive with due regard for the safety of all persons. Reckless disregard for the safety of others is unacceptable.

Ordinarily, only vehicles equipped with both overhead emergency lights and warning sirens should enter into pursuits. Only in rare circumstances should an unmarked police

STATE OF CALIFORNIA STATUTE—AUTHORIZED EMERGENCY VEHICLES

California Vehicle Code § 21806. Authorized emergency vehicles

Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the surrounding traffic shall, except as otherwise directed by a traffic officer, do the following:

a. (1) Except as required under paragraph (2), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed. (2) A person driving a vehicle in an exclusive or preferential use lane shall exit that lane immediately upon determining that the exit can be accomplished with reasonable safety.
b. The operator of every street car shall immediately stop the street car, clear of any intersection, and remain stopped until the authorized emergency vehicle has passed.
c. All pedestrians upon the highway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.

PRACTICE HINTS

- **Authorized Emergency Vehicle**—A vehicle using an audible signal device, such as a siren and emergency lights.
- **Emergency Response also known as "Code Three"**—The operation of an authorized emergency vehicle when responding to an emergency situation.
- **Emergency**—Any event where the information known to the officer at the time leads the officer to a reasonable conclusion that an immediate police presence is necessary to protect person(s) from death or bodily injury or to render aid to a person believed to be injured or ill.

vehicle be involved in a pursuit. When a fleeing vehicle constitutes an immediate threat, unmarked emergency vehicles may pursue initially, until a marked unit can undertake the pursuit. Motorcycle and bicycle officers should never become involved in a chase due to lack of safety and protection of the officers. Pursuits are dangerous enough for officers in patrol cars let alone officers on bicycles or motorcycles.

Generally, no more than two law enforcement vehicles should engage in the direct pursuit of a motor vehicle unless otherwise approved by the on-duty supervisor. The primary chase unit will be the initiating vehicle until another unit is assigned to perform the task. The secondary unit is responsible for assisting the primary unit in safely apprehending the suspects and assisting with communications when necessary. In other words, in some pursuits the primary pursuing officer is trying to watch the road and drive effectively while pursuing the suspect vehicle. In this case, the secondary unit would be the pursuit caller, keeping the dispatcher and other officers informed of the direction of the pursuit. Other units should be alert to the progress of the pursuit, but should not engage in direct pursuit or follow the primary or secondary pursuit vehicles without authorization.

In a pursuit, police officers should be diligent about the safety of others. Officers approaching an intersection should visually check for cross traffic and proceed only when the intersection is clear to pass, and only at a speed reasonable and prudent for existing conditions.

Officers should not duplicate extremely high speeds or driving maneuvers made by the fleeing vehicle. Likewise, it is an unwise practice to pursue suspects the wrong way on the interstate or controlled access highways unless authorized by the duty supervisor. Officers should avoid driving on the wrong side of divided roadways or the wrong way on one-way roadways and only do so when absolutely necessary. In some situations, officers may be tempted to ram or strike the fleeing vehicle; however, this should be avoided unless deadly force is justified.

In determining whether to initiate or continue a pursuit, there are a number of factors that should be considered:

1. **Nature of Offense**—In the case of a serious crime, especially involving violence or the potential for danger if apprehension is delayed, a pursuit may be justified. A minor offense may not justify a pursuit.
2. **Time of Day**—May influence risk created by the pursuit due to the level of activity occurring on or near the roadway, as well as lighting conditions and visibility. For example, a pursuit during 5:00 PM rush hour traffic would pose a serious risk to the general public.
3. **Traffic Volume**—The presence and amount of vehicular and pedestrian traffic affects the level of risk to innocent persons.
4. **Location of Pursuit**—The proximity to businesses, residences, schools, and other congested areas may increase the risk.

ASPECTS OF A POLICE PURSUIT THAT SHOULD ALWAYS BE SCRUTINIZED

1. The potential harm present during the pursuit.
2. The reason that police officers pursue a traffic offender. (Even though some traffic offenses, such as speeding, may at first appear to warrant police intervention to stop the danger presented to others, police intervention can increase rather than lessen the danger.)
3. The availability of other means either to apprehend individuals or to stop the need for pursuits.

Source: Urboyna, K. R. (1991). The constitutionality of high-speed pursuits under the fourth amendment. *Saint Louis University Law Journal, 35*, 35–205.

5. **Weather Conditions**—Pursuits are more dangerous during inclement weather such as rain, snow, or fog.
6. **Road Conditions**—Road surface, sight distance, roadway width, and roadside hazards must be taken into account.
7. **Availability of Assistance**—Pursuits are more dangerous when other units are not in the vicinity to control traffic and assist in the apprehension.
8. **Traffic Violations**—The driving behavior of the fleeing driver may create unacceptable risks; for example, excessively high speeds, violating stop signs or traffic signals at high speeds, or other frequent hazardous violations.

Helicopter Support

A National Institute of Justice study found that helicopters can provide a valuable service to law enforcement in pursuit situations (Alpert, 1998). In a pursuit, the police helicopter becomes the primary pursuit unit when the air crew has a visual on the fleeing vehicle. Once the helicopter has a visual on the suspect vehicle, all police vehicles should terminate the pursuit and reduce speed to give the appearance that they are not still attempting to apprehend the violator. Ground units should still proceed in the direction of the suspect vehicle as noted by the police helicopter unit. The police helicopter is also useful in assisting in directing other pursuit units into position to assist in stopping the pursued vehicle, and also as a platform for illuminating the area during pursuits that appear after dark.

Tire Deflation Devices

The police should try to end a vehicle pursuit safely and quickly. If it has been determined that the suspect is a threat to the general public and has committed a violent crime, the pursuit must continue. The objective in this case is to defuse the chase in the best interest of police, the public, and the suspect. For this reason, many police agencies have begun to use tire deflation devices or spike sticks, as they are sometimes called, as a means to disable a fleeing suspect's vehicle. Tire deflation devices allow the police to quickly and safely end high-speed pursuits. The spike system tire deflation device only takes one officer to deploy. Replaceable spikes stay in the tire when they are run over, releasing all the air from the tire through the hollow spikes. Thus, spike sticks slowly deflate the tires of speeding cars and bring them to a controlled stop, which is the ideal outcome.

LOS ANGELES POLICE DEPARTMENT PURSUIT POLICY

55.10 INITIATION OF A VEHICLE PURSUIT

A pursuit should be initiated only when a law violator clearly exhibits an intention to avoid arrest by using a vehicle to flee. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle shall, when practicable, be within close proximity to the vehicle before attempting the stop. When circumstances indicate a high potential for a pursuit, e.g. felony want on vehicle, possible stolen vehicle, felony suspect, officers shall determine the availability and estimated time of arrival of an air unit and, if tactically possible, wait for its arrival prior to initiating the vehicle stop. Additionally, officers should request a back-up unit.

Factors Initiating a Pursuit.

Officers must also weigh the seriousness of the offense against the potential dangers to themselves or members of the community and should consider the following factors when assessing whether to initiate a pursuit:

- Whether vehicular and/or pedestrian traffic safety is unreasonably comprised.
- The traffic conditions: Volume of vehicular traffic, volume of pedestrian traffic, and road conditions.
- Nature of the area of the pursuit: Residential, commercial, or rural.
- Whether the suspect can be apprehended at a later time.
- If weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officers.
- The seriousness of the crime and its relationship to community safety.
- Whether the lack or quality of communication between the primary unit and Communications Division or the primary unit and a supervisor causes an unreasonable risk to the public.
- The familiarity of the primary pursuing unit with the area of the pursuit.

Police officers may deploy tire deflation devices to terminate the pursuit according to their specific department procedure. In some cases where use of a tire deflation device would pose serious risk to the officer, suspect, or the general public, a supervisor may order it not to be used. The deployment of tire deflation devices can pose significant risks to officers. Each year police officers are killed or injured while deploying tire deflation devices. One recent incident in Wichita, Kansas left a police officer critically injured after being stuck by a suspect driving a stolen vehicle and who was attempting to evade the police. The officer was struck as he was deploying spike strips across the road. Officers should be trained on the deployment of tire deflation devices before using them. Tire deflation devices should not be used in locations where geographic configurations increase the risk of injury to the suspect, such as on roadways bounded by steep descending embankments or curves. At all times known traffic conditions should be considered. Tire deflation devices should not be used to stop vehicles with less than four wheels (motorcycles, mopeds, etc.). The officer deploying a tire deflation device should always make an announcement on the radio just prior to deployment of devices: “STOP STICK IS DEPLOYED AT (location), STOP STICK IS DEPLOYED AT (location).” This is to prevent police vehicles from traveling across an area where the stop stick has been placed.

Tire deflation spikes are regularly used by U.S. police departments. The following caveats are offered to police officers who may have the occasion to use a tire deflation device, such as spike sticks, in the field:

PRACTICE HINTS

"Road spikes" or "spike sticks" are devices used by law enforcement in an attempt to stop vehicles that are fleeing and fail to stop. Police departments around the nation have for years used portable tire spikes to bring car chases to a halt, but the problem has been that the spikes stop every car that crosses them, including police cars and the vehicles of innocent bystanders. Fortunately, the new remote-controlled tire spikes can target just one vehicle, puncturing its tires in about two seconds, before quickly reverting to a nondeployed position.

- Police officers should receive the proper training. Only specially trained police officers should deploy road spikes, and they must be in a safe place to do so.
- "Spike Stick" deployment zones must be developed taking into account the safety of the public, police, and offender; the risk of property damage; whether there is sufficient time to safely establish a zone; traffic conditions; whether it is the most appropriate resolution strategy; and whether or not it is more appropriate to terminate the pursuit.
- Police officers should follow strict safety procedures for removing spikes from the road.

▶ Weather and Natural Disasters

Weather and natural disasters often occur suddenly and without warning. If you are a police officer working in a southeastern coastal community, hurricanes are a concern. If you are a police officer working in other parts of the country, then tornadoes may represent the seasonal threat. Disasters such as these create special problems for the police because looters prey on others' misfortunes. Another concern is the location and identification of the victims, both alive and deceased, of such disasters.

There have been several natural disasters in recent years that have had a significant impact on infrastructure and resulted in a massive response by first responders. Hurricane Harvey was one such event. Harvey was a Category 4 storm that hit Texas on August 25, 2017. It caused $125 billion in damage according to the National Hurricane Center. There were over 10,000 citizens trapped either in their homes or on flooded roadways that had to be rescued. Moreover, it was estimated that over one million citizens evacuated their homes. Hurricane Harvey ranks as the second most costly storm in U.S. history. Hurricane Katrina that ripped through New Orleans in August 2005 ranks as one of the most devastating storms to hit the United States in recent memory. Katrina also represents a prime example of the magnitude problems that police authorities have to deal during a natural disaster. You may recall the media images from Hurricane Katrina, the seemingly callous looters carrying away as much property as they could hold from stores and businesses in New Orleans. Who can forget the images of looters carrying boxes of sneakers, cases of liquor, television sets, and other electronic items that they had just looted? To the casual observer, the Hurricane Katrina disaster represented lawlessness at its worst. Many questioned how some could blatantly loot stores and businesses while human corpses floated nearby in the flood waters. As a result of the large-scale looting, New Orleans mayor at that time, Ray Nagin, ordered 1,500 police officers to leave their search and rescue assignments and return to the streets to stop looting that had become extremely hostile. To some observers, the City of New Orleans' response to the lawlessness during Hurricane Katrina was loosely organized and approached somewhat haphazardly.

There are seven factors that need to be considered when responding to a weather or natural disaster.

1. **Identify the scope of the problem.** The initial officers checking out the scene should conduct an initial assessment of the problem. What areas of the community have been impacted? In the event of a hurricane or tornado, an initial assessment on property damage should be conducted, and if possible, an assessment of the severity of injuries. It is also important to assess power or electrical problems. It is not uncommon in weather or natural disasters for live electrical lines to be down across roadways, which creates a potentially lethal situation for motorists or curious citizens. If it is possible, an initial assessment of power outages in the area should be performed.
2. **Notify the dispatcher.** Once the preliminary assessment has been completed, the officers should relay this information as quickly as possible to the dispatcher. During the first hours after the disaster, new information will be uncovered and relayed to the dispatcher. Generally, the dispatcher will begin to notify the police supervisors and the command structure so that an adequate number of police officers will be deployed into the area.
3. **Establish a command post.** The command post is a critical link between police commanders and units in the field. Many police departments have vehicles that have been converted to mobile field command posts (e.g., a bus or a recreational vehicle) and can literally be driven to the scene of the disaster. Command posts are usually equipped with necessary items that may include barricades, barrier tape, signs for the scene, communications equipment (including portable police radios and mobile cellular phones), a public address system, first aid material, and maps.

   The initial police officers or supervisors on the scene should establish the location of the command post. This location should naturally be established away from any potential hazards, but close enough to establish a command presence. The general approachability to the command post should also be considered; for example, are there open and accessible streets that can be traveled to get to and from the command post? The command post should be established in a large enough geographical area to accommodate parking for numerous police vehicles and the debriefing of a large number of police officers. Once the command post has been established, personnel at the command post should notify concerned departmental members about developments. The command post will also make on-scene command decisions that will be communicated to the officers in the field.
4. **Render aid to victims.** A priority of police officers at the scene of a disaster is to render aid to victims. In some cases this may simply be to summon first aid personnel or paramedics to the location of a victim. In other situations it may involve assisting rescue and fire personnel in clearing an area in order to get to an injured victim or it may involve the officer administering first aid until the paramedics arrive on the scene.
5. **Contain the scene**. The scene should be contained. In other words, all throughways that lead into the area of a natural disaster should be strictly controlled. It's not that uncommon for looters to travel to the scene of a natural disaster with the intent to profit, or for curious sightseers to travel to the scene. Only persons with a need to be there should be allowed on the scene. It is generally a good practice to establish a specific area for the news media; furthermore, the media should be given specific guidelines as to how close they may get to the damaged areas. A primary objective here, of course, is to safeguard the general safety of the media personnel.
6. **Control looting and other ancillary criminal behavior.** It is of utmost importance for the police to control looting and other criminal behavior at the scene of a disaster. Field police officers should be assigned geographical quadrants to patrol. On-scene command should issue a verbal directive to police field units on how to handle looters. In some situations, looters may simply be told to leave the scene, while in others they

may need to be aggressively arrested. This decision is dependent on a number of factors, including the number of field units deployed on the scene, the ability to deploy back-up units as needed to assist an officer who has detected a number of looters, and the ability to transport offenders to the booking facility.

7. **Locate and identify deceased victims.** One of the sad realities of a natural disaster is the loss of life. Police officers may be asked to assist fire and rescue personnel in the location and identification of deceased victims. The location and identification of deceased victims usually involves the search, recovery, and removal of bodies, body parts, and personal effects.

The recovery usually begins after the search efforts have been completed. Generally, police officers who are assigned to a recovery team mark the location where a body has been recovered with a flag, stake, spray paint, or some other method, then record pertinent information pertaining to the recovery, photograph the body, and then move on until all the bodies have been recovered. The recovery of the disaster's victims should be viewed as a priority due to the unpleasant nature of decomposing corpses.

All human remains, including personal effects and other items, are considered evidence when they are recovered, regardless of the type of incident, mainly because they might be very useful later in the identification of the remains. Even in cases of a natural disaster, personal effects might be very critical in leading to identification of the deceased. An accurate system of identifying human remains should begin at the scene of a natural disaster. The first thing that a police officer should do is assign a unique reference number to a discovered fatality victim. This reference number should include the time, date, and location where the victim was found. Care should be used to not duplicate the reference number. Second, write the reference number information on a card and secure it on the body of the victim. Many police departments make use of body tags similar to the ones used in military warfare. Third, photograph the victim. Photographs should include such things as the reference number, an overview photograph of the location where the body was discovered, full-length body photograph, facial photograph, photographs of any distinguishing mark(s) found on the body, and photographs of all clothing and personal effects. Police officers should also take note that a natural disaster can result in an ancillary crime scene due to a breakdown in social order and laws, as was the case in New Orleans in 2005 after Hurricane Katrina.

A designated notification team should notify the victim's family once identification has been made. Because of the psychological burdens placed on a victim's family, the official notification should be made as soon as possible. In cases where there are many deceased victims, it is wise for the police to debrief family members at a specific location several times throughout the day. In such a case, there may be a church or community building nearby that may be used as temporary housing facilities for victim's families.

▶ Mass Shootings

Shootings in schools and other public locations in recent years have dominated the news headlines. Consequently, there is a reinvigorated public debate on the merits of stricter gun control laws and enhanced security procedures. Some argue that stricter gun laws will prevent mass shootings while others say it will do little good. Still others contend that we need tougher security measures in schools to include additional armed security and police officers. Moreover, some have went as far as to advocate for the arming of teachers.

This reaction is understandable, especially when we hear the tragic news of yet another shooting in our schools that has taken the lives of innocent children. As Lt. Col. Dave Grossman and Gloria DaGaetano (2014) argue in their book, *Stop teaching our kids to kill: A call to action against TV, movie, and video game violence*, it is not normal to have

to resort to such measures. They write, "We have deterred many violent crimes by putting thousands of armed police officers in our schools. But it seems that we have forgotten that it is not normal to put thousands of cops in our schools to stop our kids from killing each other" (p. 3). They make an excellent point.

The FBI recently reported that active shooter incidents in the United States reached a 17-year high. In 2017 alone, there were 138 people killed in 30 active shooting incidents. This is the first time a death toll has risen above 90 for a single year. An **active shooter** is a person actively engaged in killing or attempting to kill people in a populated area; they commit **mass murder**. Active shooter events underscore the need for a coordinated and effective response by law enforcement authorities to save lives. Whether in a school, church, shopping mall, military base or factory, or in a large or small community, police must respond to mass shootings quickly and with precision, mere seconds wasted could mean the loss of lives. Active shooter events are unpredictable and can evolve quickly. First responding officers will most likely be the ones to engage the shooter.

active shooter One or more individuals actively engaging in killing or attempting to kill people in a populated area.

We make the distinction between several different types of murder. A mass murderer should not be confused with a spree killer. A **spree killer** strikes in multiple locations, killing two or more persons in a relatively short period without a cooling off period. A mass murderer strikes once in a single location and kills a large number of people, generally four or more. In many cases, mass murderers kill themselves at the scene of their crime or the police kill them during the event. A third type of murderer is a serial killer. A **serial killer** kills over a longer period, in multiple locations, with the opportunity for cooling-off periods of weeks, months, or in some cases years in-between attacks.

mass murder The act of murdering a number of people during an event with no cooling-off period between the murders. A mass murder typically occurs in a single location where one or more people kill several others.

Our focus in this section is on mass murder. Because there are different types of mass murders, and because police officers should have some knowledge of them, we provide a brief overview. In their informative work on mass murder, Ronald Holmes and Stephen Holmes (1992, 2001) present a working typology of mass murders. They spent many years studying mass murders and have distinguished between several different types.

spree killer Someone who kills two or more victims over a short period of time without a cooling-off period.

- Disciple Mass Killer: The desire to kill is related to the relationship between the killer and the leader of a group/cult, such as the Charles Manson case.
- Family Annihilator: Intends to kill victims he or she knows well, especially family members.
- Ideological Employee Killer: Wants to kill people who are against the person's values, morals, or religious persuasion.
- Disgruntled Citizen Killer: Angry with certain aspect of society (e.g., financial issues) and wants to take it out on people the persons deems responsible.
- Psychotic Mass Killer: Psychotic (often with schizophrenia) and perceive others as being out to get them.
- School Killers: Kill on school grounds. Common traits that these types of killers are white male, student, rural or suburban settings, middle-class background, disenfranchised, interest in Internet and computer games, and interest in weaponry.

serial killer Someone who kills his victims over time with an emotional cooling off period in-between the killings. The cooling off period could last weeks, months, or in some cases years.

In reality, public mass shootings represent a small fraction of the annual deaths by firearms in the United States, but they are terrifying and deadly because of the little warning the victims have before the shooting starts. Even though a quick police response to an active shooter is imperative, many shootings end by the time the police arrive. The mass shootings described below illustrate the scope of the problem.

On May 18, 2018, as high school students at Santa Fe High School in Santa Fe, Texas, began their first period classes, 17-year-old Dimitrios Pagourtzis wearing a long black trench coat methodically smuggled a shotgun, a .38 revolver handgun, and several homemade explosive devices into the school. Soon after, he removed the weapons from under

his coat and began shooting at students killing 10 and wounding 10 others. Police began to receive calls of an active shooter at the school within minutes. The first officers, two school resource officers, arrived on the scene about four minutes after the initial calls came in. They entered the school and exchanged gunfire with the shooter. After a brief standoff, Pagourtzis surrendered to police. His plans were to kill as many of his fellow students that he could and then kill himself, but he lacked the courage to take his own life. Pagourtzis, described as an introvert, gave off no prior warning signs that he was capable of doing such an atrocious act of mass murder.

The Santa Fe incident closely followed the February 14, 2018, shooting at Marjory Stoneman Douglas High School in Parkland, Florida. In the Parkland shooting, a 19-year-old former student named Nikolas Cruz armed himself with an AR-15 assault rifle and entered the school. Once inside, he callously shot and killed 17 persons and wounded several others. Cruz gave himself up to police shortly after the incident. Unlike the Santa Fe shooting suspect, Cruz exhibited warning flags over several years leading up to the shooting. Cruz had a history of disciplinary problems in school including threatening other students. He had been expelled from Marjory Stoneman Douglas for disciplinary reasons the year prior to the shooting. Cruz's social media pages also painted warning signs that something was terribly wrong.

On June 12, 2016, 29-year-old Omar Mateen armed with several firearms entered into a popular gay nightclub in Orlando, Florida. It was just after 2:00 AM when Mateen callously opened fire on the 300 patrons, the majority of whom were Latinos. He killed 49 and wounded 53 others before taking hostages. After a several-hour standoff, police tactical officers entered the nightclub and killed the suspect after an exchange of gunfire. Witnesses reported that Mateen pledged allegiance to the Islamic State as he was shooting people.

There were warning signs that Mateen might be capable engaging in the crime. He apparently made statements to coworkers three years before he carried out the mass murders about his ties to terrorism. The FBI investigated those claims and apparently did not have enough evidence to charge him. According to reports, he claimed family connections to Al Qaeda, which, like the Islamic State, is a Sunni Muslim terrorist group. He also said he was a member of Hezbollah, a Shiite group in conflict with Al Qaeda and the Islamic State.

On December 12, 2012, Adam Lanza armed himself with several firearms and proceeded to Sandy Hook Elementary, a quaint school of about 700 students. The school is nestled in scenic Newtown, a small community in southwestern Connecticut. Lanza had one thing on his mind on that cold December morning, to kill as many as he could. He entered the school by shooting his way through a locked security entrance. Once inside, he opened fire spraying a barrage of bullets as he walked from classroom to classroom. In the aftermath, the 20-year-old shooter, who earlier that same morning had killed his mother, killed 20 children and 6 adults. As police officers approached the school, Lanza took his own life. A semiautomatic rifle and two handguns were lying beside his body. Officers also discovered a 12-gauge shotgun in his car.

Active Shooter Response

In the Marjory Stoneman Douglas High School shooting, a deputy sheriff working at the school came under criticism for not entering the school and engaging the gunman. Witnesses described seeing the deputy standing outside the school hunched behind a staircase with his gun drawn as the shooting was unfolding inside. It was determined that the deputy never went inside of the school to engage the shooter. Shortly after the incident, the deputy resigned from police service. It is not our intent here to critique why the deputy did not enter the school. Each shooting situation is just that, situational. Active shootings can evolve, escalate, and deescalate in a matter of seconds. There is an emerging tactical discussion suggesting that first responding officers on the scene of an active shooter should enter the building even without backup when the officer knows the active shooter is killing people.

Oregon Police Sergeant and firearms trainer Tod Fletcher (2016) argues that the traditional police response of forming perimeters and calling in specialized tactical teams no longer applies to active shooter incidents. One common feature among active shooter incidents according to Sgt. Fletcher is that the shooters desire to terrorize and kill as many people as possible, which typically happens within a few minutes. Seconds matter when responding to an active shooter. This means there is no getting around it, a solo officer arriving on the scene should take immediate action and engage the shooter if the shooter is still killing and wounding people.

Most active shooters target their victims within the first several minutes. If officers wait for specialized tactical teams to arrive, there is a good chance of accumulating additional victims. Fletcher argues that the average time for an active shooting call to be made to 9-1-1, and to get the information dispatched to officers, and for officers to arrive on the scene, could be five to seven minutes or even longer. According to Fletcher, in an active shooter event, police have one to three minutes to stop the killing.

The FBI recently released data on 116 active shooter incidents in the United States between 2000 and 2013. The data provide first police officers with important information about the context of active shooter incidents that will assist them in their response. The following is a summary of some of the study's findings:

- Active shooter incidents are becoming more frequent, the first seven years of the study show an average of 6.4 incidents annually, while the last seven years show 16.4 incidents annually.
- These incidents resulted in a total of 1043 casualties (486 killed, 557 wounded, excluding the shooters).
- All but six of the 160 incidents involved male shooters (and only two involved more than one shooter).
- More than half of the incidents, 90 shootings, ended on the shooter's initiative (i.e., suicide, fleeing), while 21 incidents ended after unarmed citizens successfully restrained the shooter.
- In 21 of the 45 incidents where law enforcement had to engage the shooter to end the threat, nine officers were killed and 28 were wounded.
- The largest percentage of incidents, 45.6 percent, took place in a commercial environment (73 incidents), followed by 24.3 percent that took place in an educational environment (39 incidents). The remaining incidents occurred at the other location types specified in the study—open spaces, military and other government properties, residential properties, houses of worship, and health care facilities (Federal Bureau of Investigation, 2014).

The events at Columbine High School provide a good example of the tragic result of waiting to form a tactical entry while gunfire rang out from inside of the school. Columbine High School in Littleton, Colorado, was the location where 18-year-old Eric Harris and 17-year-old Dylan Klebold went a shooting spree on April 20, 1999. They killed 13 people and wounded more than 20 others before turning their guns on themselves and committing suicide. Police procedure in Littleton was similar to police procedure across the nation at the time: form and secure a perimeter, and wait for the tactical team to arrive. When the tactical team arrives, enter with precise force. This proved fatal in Columbine because the two shooters roamed the school for nearly 50 minutes killing and wounding while police assembled outside for a tactical entry. Frist responding officers exchanged gunfire with the killers near the school entrance, and then did as their training dictated at the time: stop, take cover, and wait for the tactical team.

After Columbine, law enforcement agencies began to rethink the traditional response to these kinds of shooting events. A new response in the form of active shooter training emerged. Officers are now trained that when the suspect is still shooting, to advance toward the shooter in order to stop and neutralize the threat. Of course, the officers should perform this maneuver following their training and officer safety including cover and concealment. The objective of the first officers on the scene is to stop the shooter and create a secure environment for paramedics to enter and provide aid to the injured. Provided below is a general sketch of the suggested police response to an active shooter response. Police officers should always consult their agency's SOPs for specific protocol on responding to an active shooter. During an active shooter incident the objectives of responding officers are as follow:

- Establish if the shooting is still in progress. Signs that there is still an active shooting may include but not limited to the sound of gunshots and/or explosives inside of the building, witness reports that the gunman is shooting people, victims fleeing from the building, or a personal observation of officer(s) on the scene.
- Notify the dispatcher of the situation.
- Quickly select a point of entry and make a determination of where other officers should go. For example, if there are other exits that need secured in order to prevent the shooter(s) escape.
- Establish entry team. In the event that only one officer is initially on the scene, and it has been determined that the shooter is still active, the officer should enter solo in an effort to stop the shooter.
- Immediately engage or contain the active shooter(s) in order to stop the life-threatening behavior. This means bypassing the wounded and proceeding directly to the shooter. The objective is to stop the shooter.
- Ensure the scene is safe, and call in paramedics and assist injured people.
- Identify victims to facilitate medical care and interviews.

There were many lessons learned from the Columbine shootings and other mass shootings since. Police are continuing to reassess their training and response procedures to active shooting events. The longstanding practice of securing the location and waiting for the SWAT team to arrive is no longer the most effective approach to save lives. The chances that the shooter is trained in combat or police shooting tactics is not likely, so police officers entering an active shooter event already have a tactical hand up on the shooter, they have been trained. Nevertheless, we caution that is not always the case and officers should follow their training and never be caught off guard. Officer should remember to expect the worst in any active shooting situation.

Sniper Incidents

Criminal snipers pose unique challenges for law enforcement. Murders at the hands of a **criminal sniper** differ slightly from other shooters. Active shooters who commit mass murder kill their victims at close range like in schools and other public locations, while snipers mount their attacks from a position that provides them distance and concealment (Bartlett, 2017). The scene of a criminal sniper incident can be chaotic with gunshot victims needing medical assistance, and persons scampering around the scene not knowing what is happening. For first responding police officers it can be equally chaotic trying to access what is happening potentially in the midst of sniper fire.

criminal sniper A murderer who kills his victims from a concealed position often from great distances. They often use elevated positions in order to better conceal their position.

Police should always expect the worse. Sniper incidents can pose safety threats for police officers. Such was the case in Dallas, Texas, on July 7, 2016. Twenty-five-year-old Micah Johnson opened fire on police officers who were providing security for a protest

that was part of a national uproar and Black Lives demonstration over recent police shootings of unarmed black men. The sniper positioned himself on top of a building in downtown Dallas and began systematically shooting police officers. Five police officers were shot and killed and nine others wounded along with two citizens. Following an exchange of gunfire and a several-hour standoff police killed the sniper. The sniper had made prior statements that he was going to kill police officers.

A recent case in Las Vegas, Nevada, also involved a criminal sniper. On the first day of October 2017, 64-year-old Stephen Paddock positioned himself on the 32nd floor of his hotel suite on the Las Vegas strip. From the hotel room window, he carefully leveled an assault rifle and began shooting into a crowd of several thousand people who were attending the Route 91 Country Music Festival. Witnesses reported hearing what they thought were firecrackers popping in the distance. Paddock fired over 1,000 rounds, killed 58 people, and wounded 500 more. When police entered the hotel room, they found Paddock dead of a self-inflicted gunshot wound. They discovered evidence of a well-planned and executed killing mission. Two broken windows provided the criminal sniper shooting ports to the area around the hotel. Police discovered that the killer had built shooting platforms making it easier to take aim with his firearms and carry out his murders. Meticulous written notes found in the snipers hotel room turned out to be essentially range cards, with ballistic calculations for his anticipated targets below. In the days leading up to the shooting, it was determined that Paddock had transported an arsenal of nearly two dozen firearms and thousands of rounds of ammunition into his room. Police are mystified about what might have motivated the suspect to carry out the gruesome mass murder.

Police response to sniper incidents different slightly from their response to active shooters. Veteran police tactical officer Derrick Bartlett (2017) outlines a four-step protocol for police when responding to a sniper incident:

1. **Locate:** No response can start until the source of the gunfire has been located. This information may come from callers reporting the incident, or witnesses on scene.
2. **Identify:** While knowing who the shooter is may be helpful, that information is not always available in the initial moments of the incident. Police should make every effort to identify the sniper.
3. **Engage:** As soon as anyone on the scene can see the sniper, they need to take steps to neutralize the sniper. The primary goal in responding to a criminal sniper incident is to stop the killing. If he is taking fire from law enforcement, his focus is removed from the victims he was shooting before.
4. **Evaluate:** Has the problem been resolved? Has the shooting stopped and is the shooter either neutralized or in custody? If not, the law enforcement response must continue.

▶ The Police Canine

police canine A dog that is trained specifically to assist police officers and similar law-enforcement personnel with their work. They are also known as police K-9s.

The **police canine** is a dog that has been trained to assist police officers in the performance of police duties. Dogs and canine handlers are invaluable in assisting law enforcement in tracking, scouting, searching for suspects or missing persons, building searches, and crowd control. Certain police canines are also trained in detection of narcotics and explosives. Some canines are trained for the recovery of bodies. This type of canine is referred to as a cadaver dog. Cadaver dogs are specially trained in detecting the odor of decomposing bodies. The use of canines increases officer safety by allowing canines to perform functions officers would otherwise have to perform.

The breed of the dog used in police work is usually the preference of the handler; however, when it comes to the general purpose patrol dog, the popular rule of thumb is that longer muzzled dogs have greater senses of smell. Consequently, most patrol dogs are

long-snouted animals, like the German shepherd and a Belgian breed called the Malinois (Scoville, 2005). The Labrador retriever has been found by some to be an ideal bomb dog because of its single-mindedness, while blood hounds have had remarkable success detecting scents on ejected shells (Scoville, 2005). Regardless of breed, police dogs should be selected based on their temperament, physical fitness level, inquisitive nature, intelligence, boldness, agility, and ability to interact with people.

The advantages of using trained police dogs as part of police operations include the psychological, deterrent, and intimidating effects that the dog has on potential offenders; aiding police officers in the apprehension of an offender; crowd control; searching hard-to-reach locations, such as densely wooded areas; and the protection of police officers. Prior to a police dog being used for police duties, both the dog and its handler undergo an extensive amount of training. The dog and the handler work and train as a team. In essence, the police dog and the handler form a bond. The primary purpose of a police dog is not as a primary attack dog, but rather a dog that gets along with other officers and the public when it is not given the command to attack (Hamilton, 2003).

There is a general hesitancy among police management in using dogs because of the potential liability; however, as long as there are strict procedures for using the canine, the liability problems seem to be largely unfounded. If a dog and its handler have been given the proper training, the training has been documented, good recordkeeping procedures are in place, the department has an SOP pertaining to the use of the police dog, and the handler uses good judgment in the deployment of the dog, the chances of any litigation resulting in a payout is minimal (Hamilton, 2003).

There are some important guidelines that should be considered when developing a police canine unit for use in police operations:

1. The budget should be secured to fully meet the needs of the K-9. This includes kennel expenses that the handler incurs, proper veterinarian care, and a proper vehicle for the handler and K-9 to patrol in.
2. Dogs and their handlers should be carefully selected.
3. Proper training should be secured and documented for the K-9 and its handler.
4. Dogs should only be assigned to the handler that has trained with the dog.
5. The dog should be kenneled at the handler's home.
6. SOPs should be written and reviewed by the department's legal staff.
7. Administration of the K-9 unit should be diligent, including carefully kept records which detail the dog's performance. This is especially important in the case of drug sniffing dogs. In court this is often a criteria in establishing the reliability of a K-9 (i.e., how many times has the dog alerted the handler to drugs and drugs have been discovered).

There are several duties that an officer who has requested canine assistance should carry out:

- Secure the scene until the canine arrives. This includes sealing the area and avenues of escape as much as possible.
- Avoid contaminating the area in any way (physical presence, chemical or other contaminating substance).
- Keep the area clear of foot traffic. The canine may pick up a trail on the freshest scent.
- Police vehicles should not be parked with the engine running in the immediate area. This can be a distraction for the canine. Other distractions, such as lights, noise, and radio, should be kept to a minimum.

- If tracking a person who has fled from a vehicle, do not enter the vehicle.
- If clothing or an article the party touched can be located, it should not be disturbed, but pointed out to the canine handler.
- Officers providing perimeter coverage should minimize contamination of the area.
- Brief the canine handler with all known facts and circumstances of the case.
- Do not assist the canine team unless requested to do so by the canine handler. The canine team has been trained to work specifically as a team, and unwanted assistance could impact the team's effectiveness.

If the field officer has been asked to assist the canine team, he or she should always attempt to stay some distance behind the canine team while tracking, unless otherwise instructed by the canine handler. Usually, staying about 50 feet behind the canine team will suffice. Likewise, the assisting officer should remain behind the handler and dog at all times and keep out of unsearched areas. The assisting officer should also keep conversation and police radio traffic to a minimum.

▶ Emergency Vehicle Operation

emergency operations mode
When a police car is traveling with red lights and siren in operation. This is sometimes referred to as "code three" driving.

There are a number of situations in which officers operate in an **emergency operations mode**. The emergency vehicle operation mode, or "code three" as it is sometimes called, is when the officer drives with red lights and siren activated in order to respond quickly to a police call.

Previously in this chapter, we discussed the high-speed pursuit as one such situation when the police respond code three; however, there are many other emergency situations that the police may need to respond to in a code three mode. When an officer is allowed to run code three to a call will vary from agency to agency. In some police agencies officers are authorized to drive code three when responding to injury accidents, while in others they are not. There are some calls that always result in a code three response. An officer in trouble will almost always result in a code three response from other police units, usually numerous other police units. Police officers reading this text are advised to consult their agency's SOP for the specific emergency vehicle operations guidelines of their agency. While most agencies' SOP will dictate response modes to a given call, officers should always weigh the following information:

- The nature of the call and the information received from the dispatcher.
- The immediate presence of an officer needed at the scene.
- Whether other emergency service providers are at, or responding to the scene.
- Whether there are other units closer to the call.
- Other relevant information available to the officer at the time.
- The risk created by the emergency response.
- The prevailing conditions, such as weather, lighting, roadway conditions, visibility, and traffic volume.
- The reaction that the approach of a vehicle with emergency lights and siren might cause at the scene of the incident.

Like many other police activities, driving code three is dangerous and carries with it a significant amount of potential liability. Generally, most state statutes define code three driving as a police vehicle operating with red lights illuminated and siren in operation. Furthermore, most state statutes allow police officers while operating in a code three mode to disregard traffic laws; for example, the State of Texas statute pertaining to emergency vehicle operations allows officers to disregard traffic laws.

TEXAS VEHICLE CODE—EMERGENCY VEHICLE OPERATIONS

546.001. PERMISSIBLE CONDUCT.

In operating an authorized emergency vehicle the operator may:

1. park or stand, irrespective of another provision of this subtitle;
2. proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;
3. exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, as long as the operator does not endanger life or property; and
4. disregard a regulation governing the direction of movement or turning in specified directions.

Driving Code Three

Responding code three to a call requires a police officer to be especially cautious and to drive in a defensive manner. Simply put, driving in a defensive manner means not only taking responsibility for yourself and your actions, but also keeping an eye on the other guy.

The police vehicle has often been touted as the most dangerous weapon in a police officer's arsenal. A moving vehicle develops thousands of foot-pounds of energy. The police officer as a driver has the responsibility not to use that energy to injure or kill others, or damage their property. Paying attention makes it possible to see, recognize, and avoid the hazards lurking on the road; these are the three basic elements of defensive driving. The primary attribute necessary for safe defensive driving when operating code three is alertness, and paying attention is the most important driving task because it helps create the time you need to recognize hazards and avoid a collision. As a general rule, officers should not respond in a code three mode when the response creates a risk greater than the emergency at the scene of the incident.

When driving code three, police officers should always drive with both hands on the steering wheel. An officer should never pass another vehicle on the right. Passing should only be done on the left side of traffic. Think about it for a moment, what is generally the legal requirement for motorists when they see an approaching emergency vehicle? They pull over to the right and stop. Obviously, an officer who is passing traffic on the right can cause an accident. When approaching an intersection with a red signal light or stop sign, it is recommended that officers come to a complete stop and then proceed with caution. This is in light of the fact that many state statutes, like the Texas statute, only require that police officers slow at red signal lights and then proceed with due caution. Individual police agencies' SOPs are usually more restrictive on emergency vehicle operations than most state statutes.

A few problems that police officers should be aware of when operating code three are tunnel vision, hydroplaning, and skidding. Each of these problems has the potential to result in an accident.

Tunnel vision is the central vision with loss of or a lack of attention to peripheral vision. Tunnel vision occurs when police officers driving code three get so focused on what's going on directly in front of them that they ignore or may not be aware of cross vehicle or pedestrian traffic. In other words, the officer's inability to recognize things outside of the tunnel area is particularly dangerous and may result in an accident.

If an officer finds himself or herself running code three on a wet roadway, *hydroplaning* could be a potentially serious problem. Hydroplaning occurs when the tread on your tires cannot channel all the rainwater out from under the tires or from under each patch of tire that is supposed to be resting on the road and providing the police vehicle with traction. The first indication that the police vehicle is hydroplaning will be when the vehicle pulls suddenly in

deeper water and begins to slide out of control, or the officer may be approaching a curve and discover that the vehicle doesn't respond to the steering input. If the police vehicle begins to hydroplane, do not touch the brakes, because this may cause the vehicle to go further out of control. The officer should simply slow down by smoothly lifting his or her foot from the accelerator and letting the vehicle coast down to the point where the hydroplaning stops.

Skidding can also be problematic when driving code three. A type of skid that is common in code three driving is the oversteer, or "fishtailing" as it is sometimes called. Fishtailing occurs when the front wheels of the patrol vehicle are taking a shorter path than desired and the rear end breaks loose and fishtails. If an officer finds himself or herself in an oversteer skid, the first thing to do is let off the accelerator pedal, stay off the brake, or smoothly release brake pressure if already applied. The officer should then as quickly as possible turn the steering wheel in the direction that he or she wants the front of the car to go. This means aligning the tires of the police vehicle with the direction of the intended travel.

The risks of driving code three are many. The only sure thing that an officer can do is drive in the most prudent manner, and to drive defensively. An officer who violates state law or departmental SOPs while driving code three brings a great deal of liability on himself or herself, and the police agency. When driving code three, officers should always remember to:

1. Never assume that emergency equipment has actually made other drivers aware of their presence.
2. Never approach any intersection at a speed faster than would permit a safe stop should a hazard suddenly appear.
3. Always be prepared for the unexpected, "stupid" driving maneuver on the part of others in the traffic environment.
4. Never assume that they have the right away, regardless of the intersection being approached (Autin, 1989, 210).

▶ The Use of Force

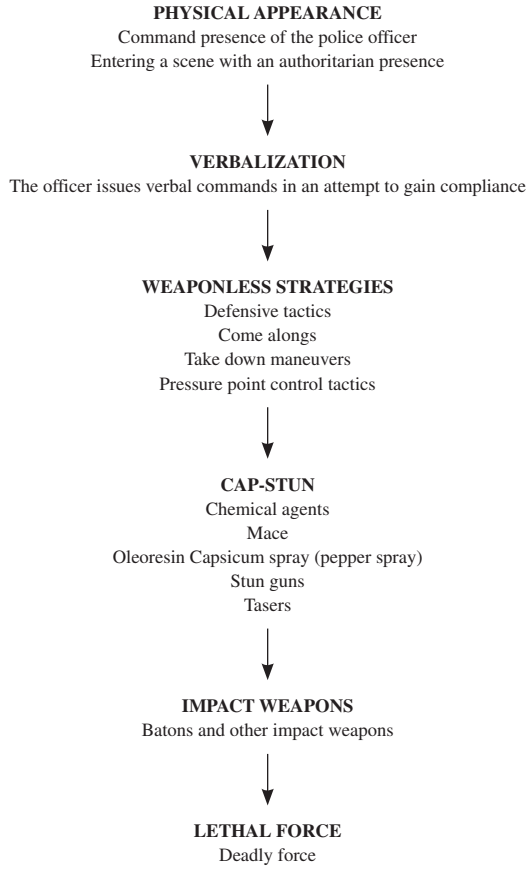
Law enforcement officers are confronted daily with situations requiring the use of force to successfully make an arrest or ensure public safety. Law enforcement officers are legally justified in using force to make an arrest, and they do not have to retreat from an arrest when the suspect is resisting. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time the decision to use force is made. Officers should follow their departmental policy, training, and judgment during any use of force encounter. It is always best to attempt to de-escalate at situation using effective verbal de-escalation skills, "Clear communication is one of the key elements in de-escalation, but poor communication skills can have reverse effect" (Kurtz, 2017, 56).

The absolute guideline in the use of force is that only the minimal amount of force necessary to make an arrest or defuse a situation should be used. Imagine for a moment that a police officer is investigating a disturbance at a neighborhood bar involving a rowdy drunk. Let's suppose that the rowdy drunk assaulted the owner of the bar after the owner refused to serve the drunk any additional alcoholic drinks. Subsequently, and without incident, the drunk is placed under arrest and handcuffed by the investigating officer. While the officer is walking the drunk to the police car the handcuffed and belligerent drunk attempts to run from the officer, but falls to the ground after about 10 yards. The officer then delivers several blows with his PR-24 baton to the suspect as he lays handcuffed on the ground. Is this force reasonable? Is this the minimal amount of force necessary? The short answer is "no." In this case, the officer went too far by striking the handcuffed drunk with the baton. The drunk was in custody and handcuffed. In this case, it would be very difficult for the officer to justify that the use of force was necessary.

How do police officers know what force to use in which situations? This is a perplexing dilemma that police officers face every day. When the use of force is reasonable and

PRACTICE HINTS

USE OF FORCE CONTINUUM



necessary, officers should, to the extent possible, use an escalating scale of options and not employ more forceful means unless it is determined that a lower level of force would not be, or has not been, adequate. Most police agencies have adopted a use of force continuum. Typically, the use of force continuum consists of six levels: (1) physical "officer" appearance, (2) verbalization, (3) weaponless strategies, (4) CAP-STUN, (5) impact weapons, and (6) lethal force. The use of force continuum provides a guide for police officers as to how much force they should use in a given situation.

The use of force continuum represents an escalation in force from the preceding level when a situation warrants such escalation. Each situation that a police officer encounters is unique. Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up or down the force continuum.

The police officer does not have to enter at the lowest option on the use of force continuum. The officer can enter at the level that is reasonable to defuse the situation. If a suspect approaches an officer with a deadly weapon, let's say a knife, the officer should meet this force by drawing his or her weapon and ordering the suspect to drop the knife. If the suspect fails to drop the knife and makes an aggressive move toward the officer, the officer is justified in using lethal force. It is important to point out that the objective of the officer should be to approach each situation on the lowest level of the continuum as possible, in

order to achieve the best resolution to the problem. We discuss police use of force, including legal consideration, in greater detail in Chapter 15.

Tasers

There has been some debate on whether electric Tasers should be placed in the use of force continuum. One argument is that Tasers should not be placed before weaponless strategies on the continuum because officers may get into the habit of using them on every suspect who resists regardless of severity of the resisting actions of the suspect. In other words, there is some argument that Tasers should not be used as a compliance tool, such as using a Taser on a suspect who is running away or would not follow commands to raise their hands, turn around, or to simply lie on the ground; however, there is some thought that as a matter of officer safety, the Taser should be placed directly after verbalization on the continuum. The logic of this view is that this would prevent the officer from having to physically engage the suspect until he or she is in complete compliance. The Taser weapons are touted by many law enforcement authorities as a safe, nonlethal alternative to using a gun in a violent confrontation.

Electric Taser guns are a relatively new defensive weapon in the police arsenal. The biggest selling point for using the Taser is that it has the potential to reduce the number of police shootings. Many law enforcement agencies authorize their officers to use the Taser as a less than lethal force option. One problem with the Taser is that there is not much objective empirical data on the potential harm that the Taser could cause a suspect. Most of the evaluations that have been completed on the Taser are from Taser manufacturers themselves. Of course, these evaluations should be viewed with caution. Police commanders should make informed and cautious decisions when equipping their officers with Tasers. One recent study by the National Institute of Justice found that use of the Taser by some police departments reduced injuries to suspects and officers over time (National Institute of Justice, 2011).

Some have described being hit with a Taser as a very painful experience. A sheriff's deputy serving with a Midwestern sheriff's department volunteered to get shot with a Taser gun during a training session put on by his agency. The deputy equated being hit with the Taser to getting shocked by an electrical socket in your home, and being hit in the funny bone. Listen to what he said: "If you have ever accidentally shocked yourself in a wall socket in your home, that's what it feels like, but only multiplied several times. You are completely helpless. I could see what was going on around me, but I could not move. I was paralyzed. Another way I would describe it is like being hit in the funny bone. Imagine being hit in your funny bone, but magnify it 100 times. If I wasn't being held up by two other deputies, I would have fallen to the ground. It was very painful. Once it was over I felt fine, but when I was being shocked, it definitely incapacitated me."

PRACTICE HINTS

ELECTRIC TASER GUN AT A GLANCE

The electric Taser is a handgun-sized weapon that can deliver 50,000 V to an unruly suspect from distances up to 18–30 feet away. Tasers fire small dart-like electrodes that stick to the suspect. The electrical voltage can then be administered by the officers. Newer versions of the Taser allow for neuromuscular disruption without needing metal prongs penetrating the skin. Use of the device allows police to deal with unruly suspects from a relatively safe distance without having to resort to deadly force. There has been some concern over allegations of the effect that Taser guns may have on people with heart problems, as well as their potential use as torture devices and their effect on people under the influence of drugs. These concerns, along with a lack of independent studies on the dangers of the Taser gun, have led many agencies to allow it to be used only by special units or by supervisors.

Summary

- Police officers often face stressful events in their lives. Many police officers work one or two part-time jobs to simply make ends meet. They struggle to find time to spend with their families, only to be called in for court testimony during their off-duty hours. They may report for patrol duty with minimal sleep, which results in their alertness being diminished.
- Regardless of the stress that police officers are burdened with, they have to mentally and physically prepare for patrol duties. The proper preparation could mean the difference of risking serious injury to themselves, citizens, or other officers. Proper patrol preparation is being alert. If an officer feels himself or herself becoming sleepy, a short, brisk walk could go a long way in rejuvenating the officer.
- An officer's appearance should be impeccable prior to initiating a tour of duty. Equipment checks should be made and improperly operating equipment should be replaced.
- Prior to a tour of duty, police officers attend a squad meeting or squad debriefing. The meeting is usually held about 15–30 minutes prior to assuming patrol duties. The meeting is conducted by a supervisor or watch commander, and police officers are debriefed about significant crime events occurring during the prior shifts.
- The officer should also make it a point to check the patrol vehicle out thoroughly. This includes the red lights, siren, air horn, police radio, equipment, tires, and other important items or equipment.
- Any police equipment that is not functioning correctly should be reported immediately. An officer should never take a patrol vehicle on the streets that is not running properly or one where the red lights or sirens are malfunctioning.
- It is good practice for the officer to meet briefly with the officer he or she is relieving. This is an ideal venue to exchange information about persons, places, or events occurring on the beat.
- During a tour of duty the officer should always be on the lookout for potential hazards on the beat. This may include frequent contacts with law-abiding citizens and persons who are known to the officer to be delinquent or criminal. Establishments such as bars and adult entertainment clubs should be inspected on a periodic basis. Many of these establishments are known hang-outs for shady individuals.
- If an officer has the occasion to make an arrest, he or she should always view officer safety as a priority.
- Once an arrest has been made, the suspect should be handcuffed first and then searched. A handcuffed suspect is much less likely to attempt to resist the officer.
- Departmental SOPs should be followed when handcuffing and transporting a suspect to the booking facility.
- When dealing with offenders, the officer should always expect the worse. In other words, he or she should anticipate problems before they occur. An unprepared officer is a potential liability to himself and others.
- Police officers usually respond to crimes that have already occurred and crimes in progress while patrolling their beat. The type of crime in progress will dictate the police response; for example, some calls will require the police to run with red lights and siren, while other crimes in progress may require a more stealthy response.
- Unfortunately, the police are often called to deal with civil unrest. Whether it is a small gathering of demonstrators or a crowd that is out of control, the police must respond quickly and effectively.
- If the police have knowledge of a demonstration or other large event, they should plan as much as possible. Ideally, this would involve the leaders of the demonstration or protest meeting with the police. The police would then have the opportunity to inform the group about what police action will be taken and relevant state laws.
- If a demonstration gets out of control and results in a riot, the primary objective of the police is to safeguard life and property while ending the civil unrest as quickly as possible.
- High-speed pursuits pose a serious liability for the police. The police should always weigh the risk associated with continuing the pursuit with the risk of serious injury to persons or property. There are several factors that should be considered in the decision to continue a pursuit, including time of day, weather, charges, whether the officer has the driver identified, and availability of the air section, to name a few.
- Weather and natural disasters can be overwhelming for the police agency in terms of ensuring adequate police resources are available to respond to a disaster. This not only includes police personnel, but also equipment.

- The first objective of the first officer who has checked out the scene of a disaster is to assess the scope of the problem and communicate this back to the dispatcher.
- Police concerns at the scene of a natural disaster include containing the scene, collecting evidence that may have been spread out over a great distance, controlling for looters, removing curious citizens who have traveled to see the disaster scene, the location and recovery of the injured, and the recovery and identification of deceased victims.
- The police canine is a valuable asset for police operations. The canine can be used for tracking missing persons or suspects, crowd control, bomb detection, narcotics detection, officer protection, and to aid in the recovery of bodies. It is important that the police dog be trained with the canine handler and that the department has the proper budget to maintain the dog.
- For liability purposes it is imperative that the police agency keep the proper records on the canine's training and performance. SOPs should also be developed for canine operations and closely followed.
- Like pursuit driving, responding to emergency calls in a code three mode (red lights and siren) is dangerous and can pose great liability for the police agency if the officer running code three was driving negligently and was involved in an accident.
- Officers should always weigh the risks associated with code three driving. Factors that may influence the decision to run code three are weather conditions, the nature of the emergency, as well as the location of other emergency responders.
- Police officers can use force to make an arrest or defuse a situation.
- Police officers should always use the least amount of force necessary to defuse a situation.
- Police officers use a "force continuum," a spectrum of force alternatives, to moderate the level of response used in a given situation.
- The use of force continuum provides a general guideline for the police to follow in a situation where force will be used. The lowest level of force is the mere command presence of the officer, and flows to the highest level on the continuum, which is deadly force.
- Each situation is unique. Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up or down the force continuum.
- Police agencies should develop use of force policies that address a wide spectrum of force issues. This includes the use of firearms and other weapons, and particular use of force issues such as firing at moving vehicles, verbal warnings, positional asphyxia, bar arm restraints, the use of chemical agents, and the use of electric Taser guns.
- An active shooter is a person actively engaged in killing or attempting to kill people in a populated area, they commit mass murder. Active shooter events underscore the need for a coordinated and effective response by law enforcement authorities to save lives.
- A mass murderer strikes once in a single location and kills a large number of people, generally four or more. In many cases, mass murderers kill themselves at the scene of their crime or the police kill them during the event.
- Active shooters commit mass murder and kill their victims at close range like in schools and other public locations, while snipers mount their attacks from a position that provides them distance and concealment

Classroom Discussion Questions and Activities

1. Ride as an observer with a police officer and observe situations where you believe the officer is following SOPs.
2. Interview two police officers from two different law enforcement agencies about their emergency vehicle operating procedures. How are they different or similar?
3. Form groups and discuss the pros and cons to the police driving in an emergency red lights and siren mode.
4. What is the use of force continuum?
5. Describe a few of the issues centering on the use of Taser guns.
6. Describe the factors that should be taken into consideration in the decision to continue a police pursuit.
7. Describe how a police canine can assist in police operations.
8. Describe how police response to active shooters has changed in recent years.

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CHAPTER OUTLINE

- Introduction
- The Emergence of Community Policing
- Core Components of Community Policing
- What Community Policing Is Not
- Incorporating Community Policing on the Job
- Community Policing, Violent Extremism, and Terrorism
- Does Community Policing Work
- Summary

4 Police Operations in a Community Policing Environment

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Define the community policing strategy.*
- *Identify and discuss the core components of community policing.*
- *Identify the components of the SARA model of problem solving.*
- *Describe the differences in traditional policing, versus community policing.*
- *Describe procedural justice.*
- *Discuss evaluations of community policing.*
- *Describe the role of community in terrorism prevention and detection.*

▶ Introduction

Officer Harris, an eight-year veteran of the police department, works as the second watch patrol in a mid-sized U.S. city. One evening while on patrol, Officer Harris receives a radio call to report to a local park and investigate a group of rowdy juveniles. Officer Harris thinks to himself that it won't take long to clear the juveniles out of the park. This is the fourth time in the past month that Officer Harris has responded to this same call. It's always the same handful of juveniles that congregate. He always handles the situation the same way by ordering the juveniles to leave the park. He arrives at the park a few moments later and observes a group of about 10 juveniles standing around listening to loud music and bouncing a basketball back and forth.

Officer Harris, still sitting in his patrol vehicle, picks up the microphone of the public address system and loudly orders the juveniles to leave the park at once, telling them if they return again this evening they will be issued citations. He watches as the juveniles slowly walk out of the park. After a few minutes, Officer Harris checks back in service with the dispatcher and drives to his favorite restaurant to grab a bite to eat. While eating his dinner, he thinks to himself that he did not even have to leave his vehicle to take care of the call.

Now, imagine another version of the same account. Officer Smith, a three-year veteran of the police department, works as the second watch patrol in a mid-sized U.S. city. One evening while on patrol she receives a radio call to investigate a group of rowdy juveniles in the local park. Officer Smith thinks to herself that she has responded to this same call several times during the past month. She arrives at the park and observes a group of about 10 juveniles bouncing a basketball and listening to loud music. She gets out of the patrol car and initiates conversation with the group of juveniles.

After several minutes, Officer Smith learns that the juveniles live a few blocks from the park and that they usually gather in the park a few nights a week to play pick-up basketball games, but about one month ago the rim broke off of the backboard. The juveniles inform Officer Smith that because they can't play basketball, they meet, hang out, and listen to music because there is nothing else to do. Officer Smith has learned that this gives the impression to the citizens living near the park that the juveniles are idle and looking for trouble.

The next day Officer Smith calls the parks and recreation department and reports the broken basketball rim. Within a few days the rim is replaced. Several weeks pass and Officer Smith checks the log for any police calls at the park. She notices that there have been no additional police calls at the park. While patrolling around the park one evening she observes the group of juveniles playing basketball. One of the juveniles flags her over and thanks her for getting the basketball rim fixed. The juvenile then proceeds to inform her about a vehicle that has been driving around the park and selling drugs. The juvenile supplies Officer Smith with a tag number and a description of the driver. Officer Smith asks the juvenile, "Why are you giving me this information?" The juvenile replies, "You helped us out and we owe you one. Besides, we don't want someone selling drugs in our neighborhood; I've got a little brother and sister that play in this park, too."

The first account involving Officer Harris represents a fairly common and traditional approach to patrol, which goes something like this: get to the call, deal with the problem quickly, and then get back in service; however, the second account involving Officer Smith represents a community policing approach that utilizes problem solving. The first approach does little to solve the underlying problem, which in this case was the broken basketball rim. Because the basketball rim was broken, the juveniles could not play basketball. They passed the time by hanging out and listening to loud music. Citizens living in the neighborhood interpreted this as a group of idle juveniles looking for trouble.

Notice in the second approach to the problem that Officer Smith discovered that the underlying problem was the broken basketball rim. Once the broken basketball rim was

replaced, the police calls (incidents) in the park resolved. It only took Officer Smith a few minutes to make a telephone call to the parks and recreation department and report that the basketball rim was broken; however, the first response to the problem by Officer Harris would likely result in additional calls to the park. Officer Harris offered a temporary solution to the problem by ordering the juveniles to leave. Chances are that he will be dealing with the same problem the next weekend. Which approach do you think is the most effective?

The hypothetical scenario presented represents the nature of many calls for police services in the United States. Police routinely respond to minor order maintenance problems that don't take a significant amount of police time or resources to solve. The resolution of small order maintenance problems can sometimes result in payoffs in terms of citizen satisfaction that can never be fully realized. Citizens who are satisfied with the police department are more likely to cooperate with the police and voluntarily comply with laws and ordinances. This chapter introduces the reader to community-oriented policing with its emphasis on problem solving. It also discusses how police officers can utilize this strategy on the job and provides several examples.

▶ The Emergence of Community Policing

We preface the following discussion of community policing with noticing that some believe, due to the terrorist attacks the United States has experienced in recent years, that there has been a de-emphasis on the practice of community policing in American police agencies. As we discuss later in this chapter, community policing can be used as a strategy to prevent terrorism and to work to meet this objectives of homeland security, just as it has other types of crime. Community policing is presented in the following section in a comprehensive manner in order to illuminate its importance for police operations whether investigating a rash of burglaries in a neighborhood, or gathering intelligence regarding a homeland security concern.

Community policing has been presented in the literature as constituting a viable way to prevent crime, as well as being applied to the goals of organizational change. Community policing involves fundamental and strategic change in almost all areas of policing (Palmiotto, Birzer, & Unnithan, 2000). It is designed to reduce and prevent crime by increasing interaction and cooperation between local law enforcement agencies and the people and neighborhoods they serve.

VOICES OF EXPERIENCE

COMMUNITY POLICING

Excerpts from an interview between Cliff Roberson and former police officer Robert Boyer. Boyer is currently a professor of criminal justice and program coordinator at Luzerne County Community College, Nanticoke, Pennsylvania. Professor Boyer has served as a full and part-time police officer for over 20 years. He also served for 12 years as the mayor of Wyoming, Pennsylvania.

Q: How do police officers feel about community policing?

A: At first, a lot of police officers viewed community policing as social work. But as officers began to understand what it was and how it made their job easier down the road, they accepted it. Most officers now look at community policing as a partnership idea, with the police and the community working together to solve community problems; for example, drugs are not just a police problem, but also a community problem. When you have the police and the community working together to target a problem, the officer's job will be easier.

Source: Used with permission of Robert Boyer, professor of criminal justice and program coordinator at Luzerne County Community College, Nanticoke, Pennsylvania.

Community-oriented policing is not a program, it is a philosophy or strategy, a way each department member from the top to bottom, sworn to nonsworn, views his/her job. This philosophy must permeate the entire organization, local government, and community, not just the "community policing officers" or the patrol division (Mastrofski & Ritti, 2000).

Community policing is a philosophy based on the concept that the police and citizens working together in creative ways can solve contemporary community problems related to crime, fear of crime, social and physical disorder, and general neighborhood conditions. The philosophy is founded on the belief that achieving these goals requires the police to develop a new relationship with citizens, allowing them the power to set local police priorities and involving them in efforts to improve the overall quality of life in their community. Community policing shifts the focus of police work from just handling random crime calls to addressing community concerns. It has grown from a few small foot patrol projects to the preeminent reform agenda of modern policing.

Community policing has evolved from strategies such as police–community relations, team policing, crime prevention, and foot patrol; however, a major thrust for community policing was initiated with the research findings of the 1970s. Many of these findings shattered a few of the traditional assumptions about police patrol strategies. Two such studies were the Kansas City Preventive Patrol Experiment and the Newark Foot Patrol Study.

The Kansas City Preventive Patrol Experiment

For years, preventive police patrol was considered one of the best deterrents of criminal behavior. Preventive patrol is based on the premise that in between calls for service, officers are expected to randomly cruise neighborhoods, seeking out and deterring crime. Preventive patrol, or random patrol, as it is called in some localities, creates the illusion of a significant police presence. It is believed that preventive patrol decreases citizens' fear and deters would-be offenders; however, the **Kansas City Preventive Patrol Experiment** seems to indicate that preventive patrol may not be as effective as previously thought.

Kansas City preventive patrol experiment This seminal experiment found that traditional routine patrol strategies in marked police cars do not appear to affect the level of crime, nor do they affect the public's feeling of security. The experiment demonstrated that urban police departments can successfully test patrol deployment strategies and that they can manipulate patrol resources without jeopardizing public safety.

In 1972, with funding and technical assistance from the Police Foundation, the Kansas City, Missouri Police Department launched a comprehensive, scientifically rigorous experiment to test the effects of police patrol on crime. The experiment began on October 1, 1972 and continued through September 30, 1973; it was administered by the Kansas City Police Department and evaluated by the Police Foundation.

The study divided Kansas City into 15 districts. Five of the districts retained normal police patrols, five districts greatly increased the number of police patrols, and the final five used the reactive approach and responded only when called by citizens. The researchers asked the following questions:

1. Would citizens notice changes in the level of police patrol?
2. Would different levels of visible police patrol affect recorded crime or the outcome of victim surveys?
3. Would citizens' fear of crime and attendant behavior change as a result of differing patrol levels?
4. Would the citizens' degree of satisfaction with the police change?

Information was gathered from victimization surveys, reported crime rates, arrest data, a survey of local businesses, attitudinal surveys, and trained observers who monitored police–citizen interaction. The researchers concluded that the variations in police patrol techniques appeared to have little effect on citizens' attitudes toward the police, their satisfaction with the police, or their fear of crime (Keeling, Pate, Diekman, & Brown, 1974).

PRACTICE HINTS

TRADITIONAL POLICING IS BASED ON THREE PRIMARY ASSUMPTIONS:

1. **Preventive patrol:** Based on the premise that in between calls for service, officers are expected to randomly cruise neighborhoods, seeking out and deterring crime. Preventive patrol, or random patrol, as it is called in some localities, creates the illusion of significant police presence. Many police reformers, most notably O. W. Wilson, believed that preventive patrol decreases citizens' fear and deters would-be offenders.
2. **Rapid response:** Common wisdom suggests that responding quickly to the scene of an incident increases the police's ability to catch the offender. In addition, a quick response aids in victim assistance. As a result, calls for police services are dispatched swiftly and new technology is continuously sought to improve response time.
3. **Follow-up criminal investigation:** When offenders are not caught initially, law enforcement agencies rely on follow-up investigations. Evidence is gathered and leads in the case are pursued for the purpose of closing and clearing cases.

While the study has been criticized because of its research design, it has greatly influenced the thinking of researchers on the effectiveness of police patrol. Nevertheless, the Kansas City study remains the most comprehensive study conducted to analyze the effectiveness of traditional preventive patrol.

Newark Foot Patrol Study

foot patrol A method where police officers patrol their assigned beat on foot. The objective is that police officers will become better acquainted with citizens and thus more knowledgeable about community concerns. Many police agencies have brought foot patrol back into their operations as a result of evolving community policing strategies.

One of the more referenced studies on **foot patrol** is the Newark Foot Patrol Experiment, which was conducted in 1978. In 1973, the New Jersey state legislature passed the Safe and Clean Neighborhoods Act. Unique in the nation and aptly named, this legislation sought to create safe and clean neighborhoods. Foot patrol was specifically mandated as part of an effort to expand the presence and visibility of police protection.

At the invitation of the governor of New Jersey, the Police Foundation evaluated foot patrol in 28 New Jersey cities (Police Foundation, 1981). Newark was selected as the primary evaluation site. The evaluation began in February 1978 and ended in January 1979. The Police Foundation evaluation posed the following questions:

1. Does foot patrol improve police–citizen relationships?
2. Do citizens feel safer when officers patrol on foot?
3. Does foot patrol reduce crime?
4. Will citizens report more crime when they have closer contact with the police?
5. Will more arrests be made in foot-patrolled areas?
6. Will foot patrol officers be more satisfied with their jobs and have more positive attitudes about citizens?
7. Will citizens' fear of victimization be lessened?

Eight foot patrol beats in Newark were matched demographically. Foot patrol was continued in four randomly selected beats, and discontinued in four others. Foot patrol was also initiated in four beats where it had not previously been used. Researchers then began comparing reported crime, arrest and victimization rates, citizen fear and satisfaction with police services, as well as the attitude of foot patrol officers and officers on motorized patrol.

The Police Foundation contends that introducing foot patrol along with a variety of other police strategies significantly enhances the citizens' perception of safety in the neighborhood.

This is something no other police strategy had been able to do. Although introducing foot patrol seemed to have little effect on crime rates, it did have the following positive effects:

1. Residents knew when officers were patrolling their neighborhoods on foot.
2. Residents in areas patrolled by officers on foot thought that crime was less of a problem than did residents in areas with only motorized patrol.
3. Residents in areas with foot patrol felt safer and less likely to be victimized.
4. Residents living in areas with foot patrol took fewer steps to protect themselves against crime.
5. Residents in areas with foot patrol were more satisfied with police services.

Residents in areas where foot patrol was introduced clearly changed their attitudes about crime and how they felt about the safety and livability of their neighborhoods. They were also more satisfied with police services. While foot patrol had no effect on recorded crime rates, it should be noted that citizens feel threatened by noncriminal (disorderly) behavior as well, and that this threat of victimization may dramatically alter their lives. In response to a perceived threat, they may nail their windows shut, carry lethal weapons, or avoid walking in their own neighborhood; thus, fear can undermine the viability of major cities and erode the quality of urban dwellers.

Implementation

The implementation of community policing will vary in police agencies. There are some police departments that implemented community policing as a specialized approach. These departments may have a community policing unit comprised of a select number of officers. Other police departments have implemented community policing as a holistic operational strategy. In other words, all rank-and-file police personnel practice community policing. Regardless of how community policing is implemented, the core elements of problem solving and community partnerships are especially important and will be expanded on

VOICES OF EXPERIENCE

FAILURE TO ARREST

Excerpts from an interview between Cliff Roberson and former police officer, Scott W. Phillips, currently a professor at Buffalo State College, Buffalo, New York.

Q: Tell us about a time you failed to arrest a law violator.

A: Once when I was a rookie, my training partner and I answered this call regarding a disturbance of peace. It was about 11:00 AM and the individual involved was a drunk. The training officer, my partner, just tells him to beat it. I think to myself: "This individual is drunk, it is a public place, and he is disturbing the peace—why didn't we arrest him?" A short while later we received another disturbance call. When we responded, we discovered that it was the same drunk. This time he was lying on someone's front porch. Again, the training officer just told the drunk to go home and stop bothering people. My thought was: "Why aren't we arresting this guy?" It was only after I had been with the department for a time did I realize that because of resources, time constraints, the severity of the crime, and other issues that I learned that officers cannot arrest every single person who violates the law. If they did, they would not be available for emergency calls, traffic enforcement, and other needed situations. The officer has to weigh those factors in determining whether to take official actions.

Source: Used with permission of Scott W. Phillips, Professor at SUNY Buffalo State College, Buffalo, New York.

later in the chapter. There are also many programs that have emerged as part of community policing operational strategies. A few of these programs include:

- Neighborhood watch associations
- Specialized problem-solving units
- Community action units
- Foot and horse patrols
- Permanent patrol assignments (assigning an officer to the same beat for a long period of time)
- Neighborhood town meetings
- Community newsletters
- Storefront stations
- Citizen police academies
- Citizen volunteers
- Chief's advisory boards
- Victim recontact programs
- Auxiliary volunteer programs

Traditional Policing versus Community Policing

community policing A strategy of policing that focuses on the police working with the public to prevent and solve crime-related problems. Community policing is a strategy that entails organizational reengineering, problem solving, and partnerships.

Community policing differs from traditional law enforcement strategies because it allows police officers the freedom to expand the scope of their jobs. Police officers in this sense are challenged to become community problem solvers and encouraged to use their time creatively. Likewise, the police officer will be required to discern vast amounts of information and recognize available resources to apply to problem solving. The differences between traditional policing and community policing are detailed in Table 4-1 ■. Notice how the focus of the traditional policing strategy is largely based on efficiency and the focus of the community policing strategy is effectiveness.

In the traditional model of policing, the police devote a significant amount of their resources responding to calls from citizens. While this is an important police mandate, too small a percentage of their time is spent acting on their own initiative to prevent or reduce community problems. Likewise, traditional policing strategies have created a few other problems for police agencies. Moore and Stephens (1991, 112–13) describe these problems as follows:

- The police are having a very tough time dealing with crime by themselves.
- Effective crime control depends on an effective working partnership between the police and the citizens in the communities they serve.
- The public police are losing market share in the safety and security business.
- The public police contribute to the quality of life in their communities in many ways other than by controlling crime.
- The administrative instruments now being used to ensure accountability and control of police officers cannot reliably do so.
- The police are routinely held accountable for the fairness and economy with which they use force, authority, and money.
- Rather than seek insulation from political interference, it is more appropriate for police agencies to make themselves more accountable to political institutions and citizens alike.

TABLE 4-1 Comparison of Traditional and Community Policing Strategies

Question	Traditional Policing	Community Policing
Who are the police?	A government agency principally responsible for law enforcement	Police are the public, the public are the police; the police officers are those who are paid to give full-time attention to the duties of every citizen
What is the relationship of the police force to other public service departments?	Priorities often conflict	The police are one department among many responsible for improving the quality of life
What is the role of the police?	Focus on solving crimes	A broader problem-solving approach
How is police efficiency measured?	By detection and arrest rates	By the absence of crime and disorder
What are the highest priorities?	Crimes that are high value (e.g., bank robberies) and those involving violence	Whatever problems disturb the community the most
What, specifically, do police deal with?	Incidents	Citizens' problems and concerns
What determines the effectiveness of police?	Response times	Public cooperation
What view do police take of service calls?	Deal with them only if there is no police work to do	Vital function and great opportunity
What is police professionalism?	Swift, effective response to serious crime	Keeping close to the community
What kind of intelligence is most important?	Crime intelligence (study of particular crimes or series of crimes)	Criminal intelligence (information about the activities of individuals or groups)
What is the essential nature of police accountability?	Highly centralized; governed by rules, regulations, and policy directives; accountability to the law	Emphasis on local accountability to community needs
What is the role of headquarters?	To provide necessary rules and policy directives	To preach organizational values
What is the role of the liaison department?	To keep the "heat" off operational officers so they can get on with the job	To coordinate an essential channel of communication with the community
How do the police regard prosecutions?	As an important goal	As one tool among many

Source: Sparrow, M. K. (1988). Implementing community policing. Washington, DC: U.S. Department of Justice, National Institute of Justice, pp. 8–9.

▶ Core Components of Community Policing

The foundation of community policing rests on close and mutual ties between the police and community (Office of Community Oriented Policing Services, 2012). Community policing does not imply that police are no longer in authority or that the primary duty of preserving law and order is subordinated; however, tapping into the expertise and resources that exist within communities will relieve police of some of their burdens. In fact, every definition of community policing shares the idea that the police and the community must work together to define and develop solutions to problems (Sadd & Grine, 1994). The goal of community policing is the prevention and reduction of crime and disorder problems in neighborhoods by examining problems and applying problem-solving techniques (Crowl, 2017). In order for community policing to be effective, there are three complementary core elements: (1) community partnerships, (2) problem solving, and (3) organizational change.

Community Partnerships

community partnerships A strategy that entails the police and the public working together in partnerships to solve problems in the community.

Community partnerships involve the police and the community, the government body, other service agencies, and the criminal justice system working together as a team to solve community problems (Peak & Glensor, 2012). Partnerships go beyond the standard law enforcement emphasis. Effective partnerships recognize the value of activities that contribute to the orderliness and well-being of a neighborhood. These activities may include helping accident or crime victims, helping resolve domestic and neighborhood conflicts (e.g., family violence, landlord–tenant disputes, or racial harassment), working with residents and local businesses to improve neighborhood conditions, controlling automobile and pedestrian traffic, providing emergency social services and referrals to those at risk (e.g., adolescent runaways, the homeless, the intoxicated, and the mentally ill), protecting the exercise of constitutional rights (e.g., guaranteeing a person's right to speak, protecting lawful assemblies from disruption), and providing a model of citizenship (helpfulness, respect for others, honesty, and fairness).

Community partnerships connect citizens back to the policing process. In essence, police officers and citizens work together to make the neighborhood safer. It is a good beat management practice that police officers should always be aware of the resources they

PRACTICE HINTS

DEVELOPING COMMUNITY PARTNERSHIPS

Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police. Partnerships may include:

- **Other Government Agencies:** Law enforcement organizations can partner with a number of other government agencies to identify community concerns and offer alternative solutions. Examples of agencies include legislative bodies, prosecutors, probation and parole, public works departments, neighboring law enforcement agencies, health and human services, child support services, ordinance enforcement, and schools.
- **Community Members/Groups:** Individuals who live, work, or otherwise have an interest in the community—volunteers, activists, formal and informal community leaders, residents, visitors and tourists, and commuters—are a valuable resource for identifying community concerns. Partnerships with these factions of the community can engage the community in achieving specific goals at town hall meetings, neighborhood association meetings, decentralized offices/storefronts in the community, and team beat assignments.
- **Nonprofits/Service Providers:** Advocacy and community-based organizations that provide services to the community and advocate on its behalf can be powerful partners. These groups often work with or are composed of individuals who share certain interests and can include such entities as victims groups, service clubs, support groups, issue groups, advocacy groups, community development corporations, and the faith community.
- **Private Businesses:** For-profit businesses also have a great stake in the health of the community and can be key partners because they often bring considerable resources to bear on problems of mutual concern. Businesses can help identify problems and provide resources for responses, often including their own security technology and community outreach. The local chamber of commerce and visitor centers can also assist in disseminating information about police and business partnerships and initiatives.
- **Media:** The media represent a powerful mechanism by which to communicate with the community. They can assist with publicizing community concerns and available solutions, such as services from government or community agencies or new laws or codes that will be enforced. In addition, the media can have a significant impact on public perceptions of the police, crime problems, and fear of crime.

have on their beats that may assist in solving a problem or preventing a crime. Is there a role for the local school to play, the gas station attendant, the newspaper carrier, neighborhood watch group, the convenience store clerk, the faith-based community, the fire department, and the like? Often, police officers may not recognize the opportunity they have to develop partnerships with citizens living on their beats that may bring welcome resources to the table. It is important that all elements of the community work together in order to effectively deal with crime.

There is much speculation on the importance of police officers working in partnership with citizens and other private and public organizations in order to solve problems and improve the quality of life in neighborhoods; for example, Professor Trojanowicz (1990) observed that community policing requires a department-wide philosophical commitment to involve average citizens as partners in the process of reducing and controlling the contemporary problems of crime, drugs, fear of crime, and neighborhood decay, and in efforts to improve overall quality of life in the community.

Problem Solving

Problem solving is an important component of community policing. It is designed to address both large and small problems within a community. The goal of problem solving is to eliminate the root causes of problems that potentially could become serious police-related problems if not taken care of early. Problem solving is designed to identify and remove the causes of recurring crime and disorder problems that harm communities (Palmiotto, 2011).

problem solving The systematic identification of the actual and potential causes of crime and conflict within the community that can be analyzed with the results guiding development of measures that address the problems in the short, medium, and long term. Problem solving also involves conflict resolution and other creative methods to address service delivery and police–community relations problems.

One of the first steps involved in problem solving is the identification of specific concerns that community members feel are most threatening to their safety and well-being. These concerns then become priorities for joint police–community interventions. How do you think that a police officer would go about discovering citizen concerns? The easiest way is to simply ask the citizens. This may include the police officer putting together a survey and administering it to a specific neighborhood. It may involve the police officer, during down time on patrol, getting out of the patrol car and going door-to-door talking with citizens. You would be surprised by the information that can be revealed just by knocking on a few doors. Many officers may find that most of the problems that citizens experience and report are small-order maintenance problems that don't take much time for the officer to resolve. Often, what the police officer thinks is important may differ from what the citizens think is important. Police officers tend to think in terms of serious crimes, while citizens often think in terms of the juveniles congregating around the street corner, or the stop sign that has been missing for weeks, or the vacant house that has attracted graffiti, or the vacant lot with the grass and weeds that are 3 feet high; nevertheless the police officer has to tap into the citizens as to what they think are the problems and issues that face the neighborhood.

A survey or the simple knock on the door can give the impression that the police officer genuinely cares about the community. Police officers should get out of their patrol cars and meet citizens whenever possible. This is especially important in neighborhoods that are disproportionably affected by crime and disorder. There are anecdotal accounts from a few police departments relating that they require their officers to get out of the patrol cars and make contacts with citizens a specific number of hours per week.

Professor Herman Goldstein is considered by many to be the pioneer of problem-oriented policing. Goldstein started something big. During the 1980s, a number of law enforcement agencies throughout the United States and in other countries began a wide variety of problem-solving policing initiatives as part of their community policing strategies.

SARA A problem-solving model that stands for (S) scanning, (A) analysis, (R), response, (A) assessment.

There are a number of problem-solving techniques that can be utilized by police officers. Many of the techniques may be specific to the agency; however, there is one generic problem-solving model that is used by many agencies. It is one of the most popular models and is known by the acronym **SARA**.

PRACTICE HINTS

PROBLEM SOLVING

The process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses.

- **Scanning**—Identifying and prioritizing problems
- **Analysis**—Researching what is known about the problem
- **Response**—Developing solutions to bring about lasting reductions in the number and extent of problems
- **Assessment**—Evaluating the success of the responses

Scanning (S) identifies a problem through a variety of sources of information, such as calls for service and citizen surveys. Citizens must consider the problem as important for this phase to succeed.

Analysis (A) requires the examination of the nature of the problem. Input from police and residents pertaining to the problem is important, as well as the collection of data the department may have about the frequency, location, and other significant characteristics of the problem.

Response (R) fashions one or more preferred solutions to the problem. This step, as well as the preceding analysis step, benefits from creative deliberation, or "thinking outside the box." Input clearly should come from police personnel, but also from residents, experts, and other individuals who can address the problem thoughtfully.

Assessment (A) evaluates the effectiveness of the expected solution. Agencies must evaluate the solution as objectively as possible because this step speaks to end products, the key theme in problem-solving initiatives.

According to Goldstein (1990), the key elements of problem-oriented policing entail a number of important assumptions:

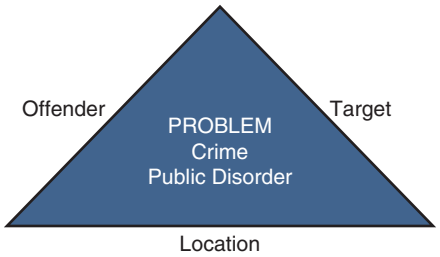
- A problem is the basic unit of police work rather than a crime, a case, calls, or incidents.
- A problem is something that concerns or causes harm to citizens, not just the police. Things that concern only police officers are important, but they are not problems in this sense of the term.
- Addressing problems means more than quick fixes; it means dealing with conditions that create problems.
- Police officers must routinely and systematically analyze problems before trying to solve them, just as they routinely and systematically investigate crimes before making an arrest. Individual officers and the department as a whole must develop routines and systems for analyzing problems.
- The analysis of problems must be thorough, even though it may not need to be complicated. This principle is as true for problem analysis as it is for criminal investigation.
- Problems must be described precisely and accurately and broken down into specific aspects of the problem. Problems often aren't what they first appear to be.
- Problems must be understood in terms of the various interests at stake. Individuals and groups of people are affected in different ways by a problem and have different ideas about what should be done about the problem.
- The way the problem is currently being handled must be understood and the limits of effectiveness must be openly acknowledged in order to come up with a better response.

- Initially, any and all possible responses to a problem should be considered so as not to cut short potentially effective responses. Suggested responses should follow from what is learned during the analysis. They should not be limited to, nor rule out, the use of arrest.
- The police must proactively try to solve problems rather than just react to the harmful consequences of problems.
- The police department must increase police officers' freedom to make or participate in important decisions. At the same time, officers must be accountable for their decision-making.

Goldstein's contribution to the idea of police problem solving is primarily a response to several concerns. First, police departments tend to overemphasize operational effectiveness outside the department. Second, police departments devote too little time to developing measures for reducing and preventing crime and, instead, tend to concentrate almost exclusively on reactive policing. Third, police departments largely ignore the wealth of community resources that are available to solve problems that eventually become matters of the police. Similarly, they tend to make poor use of a second important resource, their rank-and-file police officers, whose time and talent have not been used effectively (Goldstein, 1990). Harris (2005, 58) writes that "problem-oriented policing, with its focus on taking a holistic view of troubled situations, is central to preventive policing." It's clear that Harris is arguing that problem-solving approaches applied to troubled situations are a central underpinning of community policing.

During problem solving, it may be beneficial for officers to use the problem analysis triangle in order to gain a more thorough understanding of the problem. The problem analysis triangle is rooted in the **routine activity theory**. In short, this theory proposes that predatory crime is most likely to occur when the target, the location, and the offender come together at the same time and place without the presence of a capable guardian to thwart or prevent the crime. The idea is that the absence of guardians will result in offenders preying upon suitable targets. For property crimes, the target is a thing or an object. For personal crimes, the target is a person. If a suitable target is never in the same place as a motivated offender, the target will not be taken, damaged, or assaulted. Formal guardians are persons whose job is to protect others from crime. These persons may include police authorities, security officials, and others. Informal guardians are persons who are in the same place as the target and potentially may prevent the crime. Informal guardians include teachers, neighbors, newspaper delivery persons, neighborhood watch persons, and the like. A target with a capable guardian is less likely to be attacked by a potential offender than a target without a guardian. If the guardian is absent, little protection is provided to the target.

Routine Activity Theory A theory that proposes that for a predatory crime to occur, three elements must be present: (1) a suitable target, (2) lack of a capable guardian, either formal or informal, (3) a motivated offender.



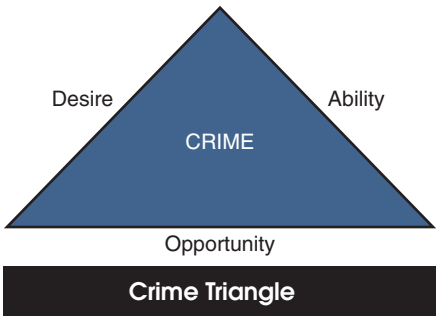
Problem Analysis Triangle: Removing one or more of the elements will prevent the crime or resolve the problem

PRACTICE HINTS

CRIME TRIANGLE: THREE FACTORS NEEDED TO CREATE CRIME

1. **Desire** of a criminal to commit a crime.
2. **Target** of the criminal's desire.
3. **Opportunity** for the crime to be committed.
   - The objective is to break up the crime triangle by eliminating the opportunity. Police officers (formal guardians) and members of the public (informal guardians) can work together to eliminate the opportunity

Closely intertwined in the routine activity theory is the concept of the crime triangle. This concept presents the notion that in order for a crime to be committed there are three components present. First is the desire of a criminal to commit a crime. Unfortunately, it is difficult to remove a criminal's desire to commit a crime. Many police officers know that if a criminal desires to commit a crime, they will. Second is the criminal's ability to commit a crime. Again, it is difficult to impact the criminal's ability to commit a crime. There are literally hundreds of tools that can facilitate a criminal's ability to commit a crime (e.g., Internet, telephone, bank transactions, automobile). The final component is the criminal's opportunity to commit crimes. This is where police officers and citizens working together can take the appropriate steps to prevent crime and disrupt the crime triangle. This might be as simple as a neighborhood beat officer educating citizens on how to better secure doors and windows from a potential offender. If the opportunity for crime is illuminated, then the crime prevention triangle is broken.



organizational change
Sometimes referred to as organizational reengineering. A process of reviewing and changing an organizational culture. Organizational change may include changes in policy and procedures, organizational values, organizational structure, management, and leadership. Organizational change is necessary for the successful implementation of community policing strategies.

Organizational Change

Organizational change involves substantial administrative issues that are beyond the scope of this book and are covered briefly here. For police officers or students who desire additional information on organizational change dynamics, consult the numerous management and administration textbooks that address this important area.

Typically, the concept of organizational change is in regard to organization-wide change, as opposed to smaller changes, such as adding new officers and modifying a program. Examples of organization-wide change might include a change in mission, restructuring operations, new technologies, mergers, major collaborations, "rightsizing," and new programs, such as community policing reengineering. Some experts refer to this as *organizational transformation*. The term designates a fundamental and radical reorientation in the way the organization operates. Usually, organizational change is provoked by some major outside driving force, such as substantial cuts in funding, policing research, and the like. Transition to a new chief of police can provoke organization-wide change when

his or her new and unique personality and style pervades the entire organization. There have been many police chiefs who were hired as change agents or community policing change agents. It's not that uncommon to see advertisements for a chief of police that state: "knowledge of community policing a must."

Organizations must undertake organization-wide change to evolve to a different level in their lifecycle. Going from a highly reactive model of policing to a more proactive model, such as community policing, is an example of this. In order to have community policing change within a law enforcement agency, the nature of the organization itself must change. Thus, how effectively change is implemented will in large part determine whether that organization sustains community policing as a new policing model or retrenches to a more traditional style of policing.

Organizational change requires a clear recognition that forging community policing partnerships and implementing problem-solving activities will necessitate changes in the organizational structure of policing. The police organizational structure is typically pyramidal in design and has many bureaucratic layers that separate the top command and administration from line-level personnel. This is sometimes referred to as the line organization or the military type organization. In the straight line organization, the channels of authority and responsibility extend in a direct line from top to bottom within the structure. There is a move with community policing to flatten the existing police structure. Flat organizations will have shorter lines of communication between top and bottom levels of the organization (Johnson, 1994). Accordingly, the communications are likely to be faster and have less chances of distortion.

Properly managed change involves recognition of the need for change, the communication of a clear vision that change is possible, the identification of the concrete steps needed for positive change to occur, developing an understanding of the benefits of change, as well as the creation of an organization-wide commitment to change.

Typically, there is strong resistance to change because people are afraid of the unknown. Many police officers think things are just fine and don't understand the need for change. Many are inherently cynical about change. The most effective approach to address resistance is through increased and sustained communications and education; for example, the police command staff or the police chief should meet with all rank-and-file officers for the purpose of explaining the reason for the change, how it generally will be carried out, and where others can go for additional information. Ideally, the chief of police should do this. Communicating change is very important and even in large police agencies this is possible. The chief can hold several large assemblies of officers for this purpose. More ideally, the chief can simply visit all squad meetings over the course of a few weeks.

PRACTICE HINTS

BENEFITS OF FLATTENING THE ORGANIZATIONAL STRUCTURE

1. Communication enhancement (fewer layers of the chain of command to send information through).
2. Empowerment of employees at the bottom of the organization to make more decisions.
3. Increased participation in the problem-solving process of those employees closest to the problems.
4. Improved service delivery: the police officers at the bottom of the pyramid are closest to the customer (citizen) and are in an advantageous position to identify methods to improve service delivery.
5. Enhanced bottom-up input on policy development.
6. Improved coordination of services internally within the police department.
7. Reduced bureaucracy, red tape, and time delays.

The practice of having the chief of police visit squad meetings may send the impression to the officers that the chief is committed to the change process.

The buy-in from the rank-and-file officers is important when implementing community policing. If the chief can hold debriefing sessions, it will assuredly go a long way in demonstrating to the rank-and-file officers that the chief is a supporter of the new community policing philosophy. The chief's personal appearance at the squad room or station house can go a long way in getting a buy-in from the officers, supervisors, and middle-level management. During these meetings the chief should explain to the rank-and-file officers where community policing will take the department, what it means for police operations, and where the department wishes to be in the short term (one to three years) and in the long term (five to ten years).

A plan should be developed and communicated to the rank-and-file police officers. Plans do change, that's fine, but communicate that the plan has changed and why. Forums should be held for organization members to express their ideas for the plan. They should be able to express their concerns and frustrations as well. This is very important because with community policing participatory management techniques are practiced when possible. Under the traditional model of policing, input from the police officer in the field was limited. This is in large part due to the military chain of command, the bureaucracy, and the general rank structure. Successful organizational change must involve top management, including the command staff and chief of police. Change is usually best carried out as a team-wide effort.

▶ What Community Policing Is Not

We have discussed to a great extent what community policing is; however it is also important to have some idea of what community policing is not. Or, put another way, to debunk some of the myths that go along with community policing. Police officers reading this book know all too well that when a new strategy is introduced in policing, it is often met with a fair amount of resistance. Let's face it; the police just don't like change.

The police tend to get comfortable and set in their ways, and any change causes discomfort. Community policing is no different. Community policing is a tough sell to rank-and-file police officers. During a community policing training session a few years ago, one of the officers present made a rather boisterous comment to the effect of "policing is going to hell in a hand basket with all of this social work crap you're pushing down our throats, they just don't want us to be cops anymore." This sentiment is probably exhibited, or at least felt, by a great many rank-and-file police officers.

Much of the cynicism toward community policing is simply because the police officers don't know any better. They have been battling crime the way they were trained, under many of the assumptions of the traditional policing model. Police officers wholeheartedly feel that they are being effective at what they do. In the following few sections, we will bring to light some of the common criticisms toward community policing.

Community Policing Is Soft on Crime

This is not true. Community policing does not abandon the traditional law enforcement strategy, it simply supplements it by making traditional approaches much more effective. With the community policing strategy, if a suspect has violated the law, chances are he or she is still going to get arrested. The criminal justice system is still considered a viable solution; however, community policing goes beyond the arrest, which in many cases is only a short-term solution, and the officer experiences the same problem when the suspect gets out of jail. The goal of community policing is to identify and resolve

underlying problems that resulted in the arrest in the first place. Recall that one of the elements of community policing is problem solving. If, for example, the problem happens to be a drug house operating in the neighborhood, then the drug house will be targeted for not only potential enforcement action, but also action taken to evict the occupants of the drug house if they happen to be renting the property.

Community Policing Is Just Another Specialized Program

This is not true. In reality, the most effective community policing approach is when it is implemented as a holistic operating strategy within the police department. The rank-and-file police officers within the police agency practice community policing. Community policing may start as a pilot program, but it should have a specific date when implementation will begin within the rest of the police agency. Departments that only assign a handful of police officers to community policing duties will find it more difficult to get a buy-in from rank-and-file police officers. In many cases the officers assigned to the specialized community policing function are seen as having special privileges, such as working flex hours, not having to respond to police calls, and having take-home police vehicles. Of course, this can result in much resentment on the part of police officers.

Community policing is best practiced as an organization-wide strategy. A recently televised interview of a chief of police from a medium-sized police agency in the Midwest reveals a significant problem. The topic of the interview was community policing. The chief referred to community policing as a *program* on five different occasions. The chief then told the news reporter that his department has made cuts in its community policing program for other departmental priorities. The moral of this story is that programs come and go, and strategies live on.

Community policing is a philosophy and a strategy intended to improve the quality of life through proactive law enforcement, clientele involvement in decision-making and in finding solutions, with the officer serving as the catalyst for obtaining needed community services. It does not offer a quick fix. It requires a long-term commitment by police to work with community members to reach mutually agreed-upon goals. Forming lasting partnerships to eradicate the underlying causes of crime will take effort, time, and patience on the parts of all involved.

Community Policing Will Require More Officers on the Street

This is not necessarily true. If community policing is implemented correctly, each and every police officer in the field should practice community policing. Keep in mind that the actual implementation strategy falls under the auspice of organizational change, which is an important component of community policing. In fact, many community policing experts argue that the organizational change should be done before the community policing is implemented in the field.

Community Policing Is Foot Patrol Strategies of the Past

This is not true. Foot patrol can be utilized as part of the community policing strategy; however, community policing is not just foot patrol.

Community Policing Is Not a Top-Down Approach

Community policing involves participation and relies on input from all levels of the department, and from average citizens, their constituents, and not just police executives and community leaders. Doesn't it make sense that police executives solicit the input of the police officers in the field who are exposed to the community's problems on a daily basis and perhaps are in the best position to have input on policy pronouncements that will directly impact the way they go about their jobs?

▶ Incorporating Community Policing on the Job

By now, you have a general working knowledge of community policing; however, definitions and descriptions of community policing that are written in textbooks can be a little confusing. The conceptual definitions of community policing are somewhat broad (Oliver, 2004). Definitions of community policing often sound good in theory, but lack discussion of how the strategy actually works in the field. In other words, how can police officers practice community policing on the job? This is what most officers desire, the hands-on information about how community policing works. In the following sections, a discussion is provided on how community policing strategies can be incorporated on the job, along with a few examples. The role of the police officer in community policing is discussed first.

Community Policing and the Role of the Police Officer

The role of the police officer under the axiom of community policing will be much more challenging because police officers will have to go beyond the traditional police response in many calls that they handle. Community policing is smart policing. It entails police officers solving substantial crime and disorder-related problems in neighborhoods. In some instances this may call for an arrest, while in other situations it may entail soliciting other recourses that can more appropriately deal with the problem at hand; nevertheless, police officers become street-level criminologists. Officers operating in a community policing environment will be required to think creatively and independently. This includes the ability to create a vision and develop appropriate steps for solving problems (Ortmeier, 2002).

Police officers must recognize that they are interdependent with the community. Forming partnerships with the community is a critical role of the police officer. An active outreach to the community provides the officer with a better flow of information and a more accurate understanding of the problems and expectations in the neighborhood. Continual interaction between officers and the citizens living on their beats can serve as a catalyst in mobilizing the citizens to protect themselves (Sweeny, 2003). Police and citizen interaction can also result in the identification of resources that can assist in problem-solving endeavors.

Domestic Violence

domestic violence
Violence that occurs within a family or an intimate relationship, including spouse beating and child abuse. Domestic violence is one of the most common forms of gender-based violence and is often characterized by long-term patterns of abusive behavior and control.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence incidents can be perplexing for police officers. The actual amount of domestic violence in our society is not well known. Violence between intimates is difficult to measure; it often occurs in private, and victims are often reluctant to report incidents to anyone because of shame or fear of reprisal. Consequently, the police officer responds to the report of a domestic violence with minimal background history about the problems that the parties are experiencing.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

- **Physical Abuse**—Hitting, slapping, shoving, grabbing, pinching, biting, hair-pulling, biting, and so forth. Physical abuse also includes denying a partner medical care or forcing alcohol and/or drug use.

- **Sexual Abuse**—Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating someone in a sexually demeaning manner.
- **Emotional Abuse**—Undermining an individual's sense of self-worth and/or self-esteem. This may include, but is not limited to, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.
- **Economic Abuse**—Making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.
- **Psychological Abuse**—Causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

The traditional police response for dealing with domestic violence was to talk one of the parties into leaving for the evening. The officers might also advise the parties that if the police return to the residence for the same problem that evening, someone was going to jail. Archaic approaches such as this are neither effective nor an appropriate police procedure. Furthermore, traditional approaches did little to attempt to solve the underlying problem.

In order to think about the police response to domestic violence, let's imagine a medical analogy. Suppose that the patient is feeling under the weather and schedules an appointment to see a doctor. During the visit to the doctor's office, the patient will most likely first see the nurse who spends a few moments asking some questions and preparing the patient for the visit with the doctor. The nurse will ask the patient about medications he or she is currently taking, specific symptoms the patient is experiencing, as well as taking blood pressure measurements, the patient's weight, and perhaps temperature.

After the nurse completes the initial consultation, the patient sees the doctor. The doctor will ask the patient to describe exactly how they are feeling. The patient may be asked to describe the pain and where it originates from. The doctor carefully listens and reviews the patient's history. The doctor may poke and prod the patient and listen to the patient's cardiovascular system with a stethoscope. Based on the symptoms that the patient describes and the doctor's physical examination, a diagnosis is made. In some cases the doctor may hold off on making a diagnosis until further medical testing is done; nevertheless, in medicine, the doctor studies the patient's symptoms and medical tests in order to make a diagnosis and to treat the underlying pathology.

This same strategy may be beneficial for the police officer when investigating a domestic violence situation; for example, when investigating a domestic violence call the police officer should ask questions of both parties, such as: How long has the violence been going on? Who struck whom? Are there any injuries? Has this occurred in the past? Have the parties been through mediation or sought help in the past? The officer should take a history, similar to a history that is taken in a medical facility. The police officer should attempt to gain enough information in order to make a diagnosis and treat the underlying problem.

Consider that the diagnosis may be that one of the parties involved in the domestic violence had been drinking all day and while in an intoxicated stupor assaulted his wife, which resulted in visible injury. The police officer initially treats the problem (the assault) by arresting the husband for battering his wife; however, the arrest alone may do little to resolve the underlying problem. In fact, there may be years of history that the police are not aware of when they investigate the report of domestic violence. It may be that the batterer has a history of alcohol or drug abuse. The alcohol and drug abuse may be the underlying cause of the problem. The objective here would be to convince the person to get alcohol or

drug treatment for his problem. The officer might do this by furnishing contact information for alcohol and drug rehabilitation, or making a referral.

Police officers may find the following suggestions helpful when investigating domestic violence:

- Make an arrest if there is evidence of injury (many states require this under the mandatory domestic violence arrest laws).
- Gain as much history as possible in order to tailor a potential solution.
- Refer both parties to mediation services or other resources available in the community that may be offered free or on a sliding scale. Provide parties with phone numbers and contacts for these services.
- The police officer should physically follow up and make contact with the victim the next day after the initial incident. Follow-up contact accomplishes several objectives. First, it presents the opportunity for the officer to advise the victim and the offender of any additional resources and provides an opportunity for the victim to ask additional questions not thought of the day of the incident. Second, it sends a message to the offender that domestic violence will not be tolerated and if it happens again the offender will be arrested again.
- In neighborhoods that have a high incidence of domestic violence calls, the police officer may find it beneficial to coordinate a community violence program that features speakers from the crisis centers, battered women's shelters, and other resources that are available in the community to assist victims of domestic violence. Many victims of domestic violence may not be aware of resources available, and if made aware, may take the first step to emancipate themselves.
- Police officers should make every effort to reach out to a family where domestic violence is present. Many times the police officer who offers to listen and acknowledges what is going on helps chip away at the walls that surround and isolate families living with abuse.

Notice how these approaches deviate from the traditional police responses to domestic violence, which often involved having one party leave for the evening until things cooled off. Domestic violence must be approached proactively by police officers.

Burglaries

burglary The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

Burglary, also called breaking and entering or house breaking, is a crime related to theft. It typically involves someone breaking into a house with the intent to commit a crime. Burglary represents one of the most common threats to our property. The FBI reports that in the United States there is one burglary committed just about every 20 seconds. Burglary also represents one of our greatest fears—the fear that someone broke into our residence, took our property, and invaded our privacy. If you have been the victim of a burglary you know this feeling all too well. Most burglary calls involve a fairly standard response by the police. The response usually includes the officer gathering information on the stolen property, such as the physical description, unusual markings or engraving, and serial numbers. If appropriate, the officer may also call for the crime lab to process the scene.

In addition to the standard police response to a burglary, there are some things that police officers can do to possibly encourage the prevention of burglary. Police officers should counsel burglary victims on preventive techniques. It doesn't do any good if the victims of burglary do not change their behavior (e.g., locking the garage door at night, closing the shed door at night, leaving a light on, dead bolting doors). The most logical advice that a police officer can offer to citizens who have been victimized by burglary is target hardening, or making their home more difficult to enter.

The officer should also pay close attention to crime data on his or her beat that may indicate an increase in burglaries in the area. If this is the case, the officer should investigate further in an attempt to discern if the method of operation is the same. This is the process of looking for similar or recurring themes. The SARA model of problem solving is a good model to use when examining a number of burglaries occurring in an area. Other crime increases or other calls for police services that may be correlated with the burglaries should be identified, for example, an increase in drug-related activity in the area, or juveniles who have been reported truant from school. If the burglaries have been occurring during the day, it would be wise for the officer to follow up on truancy reports from local schools. It may be that the truant juveniles are responsible for committing the burglaries. The idea is to scan all relevant patterns or incidents that may be related.

The officer should also examine the area where burglaries have occurred for environmental factors that may present the opportunity for a burglar to commit the crime. It may be that a neighborhood is poorly lit at night, which is contributing to the burglaries. If this is the case, the police officer could initiate a door-to-door campaign or disseminate a letter to citizens living in the affected neighborhood to turn their porch lights on after nightfall. It is well-established that good lighting is one of the most effective crime deterrents. When used properly, light discourages criminal activity, enhances natural surveillance opportunities, and reduces fear. Remember, with community policing the police officer increasingly becomes more involved in the prevention of crime as opposed to just responding, taking a report, and informing the victims that a detective will contact them in the near future.

Police officers should be knowledgeable of **Crime Prevention Through Environmental Design** techniques or CPTED (pronounced sep-ted). CPTED and community policing can be viewed as part of a comprehensive crime prevention strategy. CPTED emphasizes a problem-solving approach to crime prevention, as well as close cooperation between police and residents in reducing both crime and fear of crime (Fleissner & Heinzelmann, 1996). CPTED involves strategies that focus on changing environmental factors that would otherwise make it easy for criminal behavior to occur. Put another way, CPTED is the proper design, alteration, and effective use of the built environment, which may lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life (Crowe, 2000).

Crime Prevention Through Environmental Design (CPTED) A multidisciplinary approach to deterring criminal behavior. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Most recent implementations of CPTED occur solely within the built environment.

CPTED goes beyond simply recommending a deadbolt lock on doors and windows as a way to prevent burglaries. The four basic tenets of CEPTD are (1) natural access control, (2) natural surveillance, (3) territorial reinforcement, and (4) target hardening. Whenever possible, police officers should examine homes and businesses for the possibility of applying CPTED principles.

Natural Access Control

- Walkways and landscaping that direct visitors to the proper entrance and away from private areas.

Natural Surveillance

- All doorways that open to the outside should be well lit.
- The front door should be at least partially visible from the street.
- Windows on all sides of the house provide full visibility of property.
- Sidewalks and all areas of the yard should be well lit.
- The driveway should be visible from either the front or back door and at least one window.
- The front door should be clearly visible from the driveway.
- Properly maintained landscaping provides maximum viewing to and from the house.

PRACTICE HINTS

STRATEGIES OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

1. **Natural Access Control**—A design concept directed primarily at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. Gained by designing streets, sidewalks, building entrances, and neighborhood gateways to clearly indicate public routes and discouraging access to private areas with structural elements.
2. **Natural Surveillance**—A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas, and building entrances; doors and windows that look out onto streets and parking areas; pedestrian-friendly sidewalks and streets; front porches; adequate nighttime lighting.
3. **Territorial Reinforcement**—Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. Promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments, and CPTED fences.
4. **Target Hardening**—Accomplished by features that prohibit entry or access: window locks, dead bolts for doors, interior door hinges.

Territorial Reinforcement

- Front porches or stoops create a transitional area between the street and the home.
- Property lines and private areas should be defined with plantings, pavement treatments, or fences.
- The street address should be clearly visible from the street with numbers a minimum of 5 inches high that are made of nonreflective material.

Target Hardening

- Interior doors that connect a garage to a building should have a single cylinder deadbolt lock.
- Door locks should be located a minimum of 40 inches from adjacent windows.
- New houses should not have jalousie, casement, or awning style windows.
- Exterior doors should be hinged on the inside and should have a single cylinder deadbolt lock with a minimum 1-inch throw.
- All windows should have locks.
- Sliding glass doors should have one permanent door on the outside; the inside moving door should have a locking device and a pin.

Drug Activity

Many neighborhoods across the United States experience a significant amount of drug activity. Some neighborhoods are literally held hostage by drug dealers. In the past, the investigation of drug dealers at the neighborhood level has often been left up to a specialized narcotics unit; however, there are things that police officers can do to address drug dealing at the neighborhood level using community police strategies. The problems caused by drug dealing in a neighborhood can be so severe that it can destroy the quality of life for the entire neighborhood. Neighborhood drug dealing is more than just a police problem; it is a problem that may indicate serious neighborhood dysfunction.

At the first report of drug activity in a neighborhood the police officer has several courses of action. First, the officer may wish to do some preliminary investigation work, by gathering some basic information, such as the identity of the occupants of the residence, and inquiring to see if the residence in question is a rental or if the occupants are buying the home, or if the drug dealing originates from an apartment complex. The presence of drug dealing in an apartment complex sometimes attracts other criminals as tenants, because drug dealing can mask their activities or provide them with a ready market for their activities. The officer should enlist the property owners' help in closing a drug market. If the occupants are renting the home, the landlord can be contacted and informed about the suspected drug activity. In some cases, the landlord can evict the tenants.

A check of citizens living in the area would also be beneficial so that the officer may learn traffic patterns; that is, when traffic is heaviest at the residence. The officer may elect to conduct a "knock and talk" and approach the occupants of the residence and inform them of the complaints and suspicions. The objective here is that the drug dealers will leave the neighborhood voluntarily if they know the police are on to them; however, one disadvantage to this approach is that it is a temporary solution and may displace the problem to another neighborhood.

One other approach that the officer may find beneficial is to solicit the assistance of citizens living in the neighborhood. The officer could contact residents living near the suspected drug house and request that they jot down a few notes when they see traffic coming and going at the residence, and, ask if they can jot down tag numbers. Police officers may be surprised at the willingness of citizens to assist if only asked. Under traditional policing strategies citizens weren't often asked to assist the police because drug dealers were viewed as solely a police problem. Recall that with community policing, the police will increasingly form partnerships with the citizens and other resources to tackle crime and disorder problems that impact communities.

In one community, police officers who were investigating drug activities in a neighborhood loaned a pair of binoculars and an audio tape recorder to a citizen living across the street from the suspected drug house. The citizen was happy to assist the officers with recording tag numbers into the audio recorder. As one of the officers reported, "He was happy to help us out, he is retired and rarely leaves his house, he is a wealth of intelligence information, he sees everything that goes on in the neighborhood, and he gave us volumes of tag numbers and descriptions of vehicles and persons."

Public awareness of the drug house may be enough to encourage the drug dealers to move along, but suppose that months of investigation of the drug house have not been remarkable. Mobilizing citizens may be the next crucial step. Organizing neighborhood meetings and block parties has the potential of getting the drug dealers' undivided attention and demonstrates a strong united front. Placing banners and signs in conspicuous areas may also show drug dealers that the community is aware of, and will not tolerate, their activities. Most drug dealers are somewhat paranoid of detection, so the presence of an anti-drug campaign may force drug dealers to move out of the area.

Enlisting the aid of the city public works department to clean up the streets, placing brighter lights in street lights, or simply cleaning up litter may go a long way in giving the impression that the community is taking a stake in the area. Planting flowers and trees in areas that have seen urban decay will also improve the appearance of the area. You may ask what the correlation is between planting flowers and ridding the neighborhood of a drug dealer. This may seem like a radical strategy, but it can work. The appearance of the neighborhood may go a long way in preventing and deterring drug dealers and other criminal elements from taking up business in the neighborhood.

broken windows theory Based on an article titled "Broken Windows" by James Q. Wilson and George L. Kelling, which appeared in the March 1982 edition of *The Atlantic Monthly*. This theory uses the analogy that if a few broken windows on a vacant residence are left unrepaired, the tendency is for vandals to break more windows. Eventually, they may even break into the building, and if it's unoccupied, take up residence in the building or light fires inside. Broken windows and other neighborhood decay give the impression that no one cares about the neighborhood, which then becomes breeding grounds for criminal activity. The idea is that small disorder problems should be promptly addressed by the police and the community or they may lead to more serious crime problems.

Professors Wilson and Keeling (1982) presented the **broken windows theory** to explain the signaling function of a neighborhood that may nurture criminal activity. The *broken windows theory* suggests that there is a sequence of events that can be expected in deteriorating neighborhoods. Evidence of decay (e.g., accumulated trash, broken windows, deteriorated building exteriors, abandoned cars) that remains in a neighborhood for a reasonably long period of time is part of the sequence of events that can be expected in deteriorating neighborhoods. Many neighborhoods where drug dealing is prevalent indeed show evidence of these sequencing of events. Likewise, citizens who live and work in the area feel more vulnerable and begin to withdraw. They become less willing to intervene to maintain public order or to address physical signs of deterioration. The *broken windows theory* suggests that neighborhood order strategies, such as the ones listed here, may help to deter and reduce neighborhood-related crime:

- Replacement of broken windows on vacant homes or buildings.
- Quickly removing abandoned vehicles from the street.
- Promptly cleaning up illegally dumped items, litter, and spilled garbage.
- Quick paint-out of graffiti.
- Finding (or building) better places for teens to gather than street corners.
- Applying fresh paint on buildings.
- Cleaning up sidewalks and street gutters.
- Keeping grass and weeds cut in vacant lots.

There are certain characteristics that may be evident with suspected illegal drug activity in neighborhoods. Police officers will find it helpful to inform citizens of the following when initiating a neighborhood drug enforcement campaign:

- Be aware of an unusually large amount of traffic coming to the building—in cars, taxis, or walking—often at strange hours. This traffic is usually quick, with people staying only a short time. Sometimes they don't go in at all; instead, someone comes out to meet them.
- Report to the neighborhood police officer if drugs or drug paraphernalia (syringes, pipes, packaging baggies, etc.) are found in the area.
- Report and take note of repeated, observable exchanges of items, especially where money is visible.
- Report anyone that offers to sell you drugs, or conversations about drugs that you overhear.
- Report noxious odors from or around the building, such as chemical smells.
- Report a building where no owner or primary renter is apparent, and no home activities, yard work, painting, or maintenance, seem to be going on.

It is truly the spirit of community policing when neighborhood police officers partner with citizens to combat drug activity in the community. Neighborhood involvement is imperative. Cleaning up drug-infested neighborhoods requires a toolkit full of tools to get rid of the problems. Police presence, civil action, code enforcement, neighborhood clean-ups, and altering the appearance of a neighborhood are all actions that will allow for improvement in the quality of life for citizens. While partnerships are an important component in community policing, police officers should also ensure that citizens don't try and take the law into their own hands or that they are not placed in a position that would jeopardize their safety and welfare. Drug dealers have the potential to use violence to protect their drugs and to protect themselves from other drug dealers.

COMBATING DRUG DEALING IN PRIVATELY OWNED APARTMENT COMPLEXES

1. Enlist property owners' help in closing a drug market.
2. Enforce laws and agreements violated by drug dealing in privately owned apartment complexes by researching what specific laws or agreements are being violated (e.g., local laws, state laws, federal laws, apartment lease agreements).
3. Take intensive police enforcement action.
4. Increase place guardianship. Research suggests that improved place management can block opportunities for certain crimes, such as drug dealing. Ways to increase place guardianship include: (1) showing the owner the financial costs of having a drug market on the property, (2) engaging the mortgage bank that holds the loan on the property, (3) outlining the physical risks to the owner, (4) providing training for the landlord, and (5) engaging tenants or neighbors in information gathering and market disruption.
5. Make physical changes at the property, such as limiting access to the property, limiting escape routes, and increasing lighting.
6. Send notification letters to and meet with property owners concerning drug dealers.
7. Apply civil remedies, including abatement procedures.
8. Evict drug dealers.

Source: Adapted from U.S. Department of Justice. (2002). *Drug dealing in privately owned apartment complexes*, Problem-Oriented Guides for Police Service, Number 4.

Graffiti

graffiti Illegal or unauthorized defacing of a building, wall, or other structure or object by painting, drawing, or otherwise marking it with words, pictures, or symbols. Graffiti is often painted on property by gang members who use it as a means to mark their territory and communicate with rival gang members.

In recent years, **graffiti** has become an increasing problem. Chances are that in some areas of your community you have observed this trend. Many neighborhoods are plagued by graffiti, which can devalue property and make citizens feel unsafe in their neighborhoods. Graffiti may be the result of idle juveniles out for a night of fun, who decide to spray paint graffiti on the side of the building or the result of gangs who leave their mark on a neighborhood and provoke rival sets into a violent confrontation. Graffiti is how gangs identify and claim their "turf."

Gangs typically leave their mark in the form of graffiti on fences, buildings, sidewalks, and at times, even homes. Graffiti may spell out a gang name, the gang's geographic area, or a numeric identifier. It can sometimes show an entire list of gang nicknames, called a "roll call" or "roster." Gang graffiti serves several purposes, all of which are understood by other "gang bangers," even members of rival sets. Graffiti has been called the "newspaper of the streets" and communicates many messages, including violent challenges, warnings, as well as bragging about crimes that have been committed. Graffiti can also be used to show disrespect for a rival gang; for example, Blood sets may refer to Crip sets as "Crabs" and Crip sets may use "Slobs" in their graffiti as an insult to Blood sets.

Graffiti presents a rather perplexing problem for police officers, as the officer must discern whether the graffiti represents street gang graffiti or tagger graffiti. Tagger graffiti differs from street gang graffiti in that it is generally more intricate and more "artistic" than

street gang graffiti (Gomez, 1993). Taggers see graffiti as an art form. The lettering may be entwined and turned upside down or sideways to the point of looking more like a maze than letters. The graffiti that taggers paint on walls usually is done in several colors and might include caricatures of animals or humans. On the other hand, street gang members put up graffiti to increase their visibility, threaten rivals, and to intimidate residents in the area. It is usually much more primitive and sometimes more easily read than graffiti done by taggers. If it is determined that the graffiti is gang related, the officer should attempt to interpret the meaning of the graffiti. In some cases gang graffiti is the first sign of a future act of gang violence, such as one gang invading the other's territory. Gang graffiti should be removed as soon as possible.

Gang graffiti that includes "187" indicates a threat to kill. "187" is the California penal code for homicide, and when used in street graffiti tells rival gangs that those who painted the graffiti intend to kill them. Hispanic gangs often use the number "13." The "13" may be represented as "XIII," "X3," "13," or with the word "trece." Hispanic gangs tend to use the number "13" because the thirteenth letter of the alphabet is "M." This is significant because the "M" refers to the Mexican Mafia. It may also be used to designate Mexico, the homeland.

In some cases the officer may actually catch the suspect in the act of vandalizing the property. Let's suppose that an officer on patrol drives up on a vandalism. The officer catches a juvenile spray painting graffiti on the back of a school building. Normal police procedure dictates that the officer handle it one of two ways. First, the officer may take the juvenile into custody, make an official police report, release the juvenile to his or her parents, and forward the case to the investigations division. Second, the officer may take the juvenile into custody and book him or her into the juvenile detention facility. These two approaches represent a fairly standard police response.

Let's consider a community policing response to the hypothetical vandalism-in-progress case. Recall that the police officer has taken the juvenile into custody for spray painting graffiti on a school building. Let's suppose that the officer is familiar with the juvenile and sees him around the neighborhood frequently. The officer recognizes that the juvenile is not known to be troublemaker and the officer is satisfied that the juvenile is not a member of a gang. The officer makes the decision to take the juvenile home to his parents.

After explaining to the juvenile's parents about the vandalism, the officer asks the parents if they would agree to an informal resolution. The officer relates to the parents that he has a good relationship with the principal of the school and that he (the officer) would like to handle this incident informally. In other words, the officer wants to take a chance on the juvenile. The officer explains to the parents that the next day after school dismisses, their son will be required to clean the spray painted graffiti off the side of the building. The parents agree to this resolution. After all, it's a much better outcome than having to pick their son up from the juvenile detention facility. The officer telephones the principal of the school and explains the situation. The principal informs the officer to do what he thinks is best.

In this case, the officer handles the incident informally using a nontraditional police response to the problem. It should be pointed out that an informal response may not be effective or appropriate in every situation; however, with community policing officers are empowered to make these types of field decisions that are in the best interest of the community. Police patrol officers are in the best position to make such decisions because they are exposed to neighborhood problems on a daily basis. It only makes sense that officers are allowed the discretion to fully perform their jobs in consort with the community policing strategy.

Paying attention to the small quality-of-life issues, such as graffiti, pays big dividends that can prevent the downward slide of neighborhoods. The Minneapolis Police Department suggests some things that citizens can do to help prevent the proliferation of

Police in Action: TAGGER LANGUAGE

Battle—A contest between crews

Bomb—Multicolored tag in large bubble letters

Buff—To remove graffiti

Crew—Group of individuals that tag together

Caps—(Fat/skinny) Spray can nozzles used to vary the style and width of paint

Fade—To blend colors

Fresh—Really good graffiti

Get Up—To put up a large amount of graffiti tags

Graf—Graffiti

Heavens—Hard to reach high areas, such as freeway signs and the tops/upper floors of buildings

Hit/Hit Up—To tag

Landmarks—A prime location where graffiti won't quickly be erased

Mob—A whole crew doing graffiti on a wall at the same time

Piece Book—A tagger's sketch book

Rack—To steal from off the store rack

Streak—Short for mean streak, solid paint stick that looks like chalk and is used on dark surfaces

Tag Banging—To use violence to defend a tag

Toy—A new, inexperienced writer

Throw Up—One layer of spray paint filling in bubble letters that are outlined in another color

Wild Style—A complicated piece constructed with interlocking letters

Yard/Train Yard—Gathering place

Zine—Short for magazines

graffiti in neighborhoods. Police officers should keep these guidelines close at hand for educating the community.

Protect Your Property:

- Keep your property well maintained. Remove graffiti immediately after receiving confirmation from the police.
- Plant clinging vegetation, like ivy, to protect walls and other large flat surfaces.
- Plant thorny or thick bushes and fences in front of large walls.
- Eliminate anything that could encourage loitering after hours (benches, pay phones, etc.).
- Limit access to roofs. Move commercial dumpsters away from walls and cover drainpipes to prevent vandals from scaling them.
- When painting your property, consider darker colors that are less attractive to graffiti vandals.
- Increase lighting around your property; use motion detectors to draw attention to movement.
- Textured walls are a deterrent to graffiti writers. Consider texturing outside walls if you are a regular victim of graffiti.
- Consider applying a protective coating that provides a barrier between your property's surface and the graffiti. Several different brands and prices are available. Check the Yellow Pages under "Graffiti Removal & Protection."
- Organize. There are many advantages when block clubs, neighborhood organizations, and other groups band together to protect their environment.

- Form a neighborhood graffiti removal crew and help those who are not able to do so themselves.
- Get neighborhood businesses to sponsor clean-up and prevention efforts.
- Create a watch force for areas frequently vandalized.
- Involve community youth in removing graffiti.
- Help identify and apprehend graffiti writers involved in graffiti.
- Participate in the city's public property adoption (adopt-a-litter container, adopt-a-block, and adopt-a-street) programs.

Robbery

robbery The crime of seizing property through the use of force or the threat of the use of force. Because violence is an ingredient of most robberies, this sometimes results in the serious injury or murder of the victims.

Robbery is the act of unlawfully taking the property from another, with the threat of force or the actual use of force such as, "give me your money or else." There are several types of robberies. The first is *business establishment robbery* (e.g., when the suspect enters into the business and demands money from the employee). According to the Uniform Crime Report, robberies of business establishments make up about 15 percent of all robberies. Business establishment robberies can include a convenience store, gas station, restaurant, clothing store, and the like.

Another type of robbery is the *individual robbery*, which is the most common. An example of this would be walking to the subway one evening when you are approached by a robber who demands your wallet. A *strong-armed robbery* occurs when you are approached by a robber who demands your money and begins to deliver blows to your head while at the same time ripping your wallet from your pocket. Extreme force is used in a strong-armed robbery. A *home invasion* is another type of robbery that occurs when the robber knocks at the door and crashes through it when the person answers, demanding money or other property.

carjacking A crime of motor vehicle theft from a person who is present. In many cases the carjacker is armed, and the driver of the car is forced out of the car at gunpoint.

Another type of robbery is **carjacking**. Imagine one evening that you are driving home from a long day at work. While waiting at an intersection for the signal light to change, your door is suddenly ripped open and the person pulls you onto the street, jumps into your car, and drives off. You have just been the victim of a carjacking. Carjacking is a type of robbery that has received much attention in recent years. Carjacking is an attempted or completed robbery of a motor vehicle by a stranger that includes the use or threat of use of force. Because cars are becoming more difficult to steal, many criminals are finding it easier to steal a car with the owner in the vehicle and the key in the ignition.

The common misconception about carjacking is that it only occurs in high crime areas. Carjacking can occur anywhere at any time. Some of the windows of opportunity that carjackers typically look for are intersections controlled by stop signs or lights, garages and parking lots for mass transit, shopping malls, grocery stores, self-serve gas stations and car washes, automated teller machines, residential driveways and streets as people get into and out of their vehicles, highway exit ramps, or any place that drivers slow down or stop. Police officers should educate citizens that if they are the victim of a carjacking not to argue with the suspect, especially if they are threatened with a gun or other weapon.

Police officers at some point in their careers may have the occasion to investigate or assist in the investigation of a robbery. In many cases, robbers preselect their targets. A business that has been robbed several times during a short period of time should alert the officer that it may be something specific about the business that is making it an ideal target for robbery.

Research has shown that robbers typically have a risk/reward criterion, but usually consider two main factors when choosing a location to rob. The first factor is the amount of available cash on hand; the more cash the better for the robber. Second is the ability to escape from the scene without getting caught. The risk criteria that might deter them

TIPS TO CITIZENS TO PREVENT CARJACKING

- Before entering your car, be alert to any activity near you. Pay attention to your surroundings.
- Have your keys in hand when approaching your vehicle.
- If someone is loitering around your unoccupied car as you approach, keep walking. Do not attempt to get into your car until they are gone.
- Keep your windows closed and doors locked while driving.
- When stopped at a traffic signal or sign, stay far enough away from the vehicle in front of you so you can see the rear wheels. This will allow you to have enough room to leave quickly, if needed.
- If your vehicle is bumped from behind, do not get out. Drive to a well-lighted, safe area first, and then get out of your vehicle. This is a common tactic used by carjackers to steal cars.
- Be suspicious of strangers asking for directions, change, or handing out flyers. If you feel uncomfortable, pull out carefully and leave the area, even if it means running a red light or stop sign.
- If you suspect you are being followed, never drive home—change directions, go to a safe area, and call the police.
- Be alert when using drive-up ATM machines.

from committing the robbery are the number of employees on duty, high customer traffic, video surveillance cameras, silent alarm systems, bad escape routes, and the presence of security or the police. The balancing factor is the perception of available cash versus the risk of getting caught. In essence, the greater the score the more risk the robber will undertake.

Police officers should use the investigation of a robbery not only as an attempt to identify the assailant, but also as an opportunity to educate the owner on prevention techniques. This is especially important in cases where the crimes are committed repeatedly against the same business. There are factors that make a business more susceptible to robbery, which necessitates conducting an inspection of the premises and advising management of preventive measures that can be taken that may prevent a future robbery. There are some specific robbery tips that the officer may consider as part of the robbery prevention education:

- Install a robbery alarm. If a silent alarm is installed, ensure that it can be reached inconspicuously by the employee.
- Install a video recorder and ensure that it faces the front counter.
- Take greater precautions during opening and closing, when businesses are more vulnerable.
- Do not make cash handling or bank deposits part of a routine.
- Keep a low volume of cash on hand.
- Do not open the business before or after regular business hours.
- Greet all customers. This reduces their anonymity and lets potential robbers know you are paying attention.
- Watch for suspicious customers. Robbers often shop until all other customers are gone.

- Some stores may keep the door locked at all times and have an electronic buzzer to open the door for customers.
- Make sure the store is well lighted, especially the entrances and cash register.
- From the cash register, you should be able to see all areas of the store, as well as outside to the parking lot or street. This allows surveillance of customers and potential robbers.
- Placing the cash register on a raised platform increases visibility.
- If there are blind spots in the store, use mirrors to increase visibility.
- The view through the front windows should not be obstructed with advertisements and posters so that motorists or a passing police car can readily see inside of the business.

Community Policing, Violent Extremism, and Terrorism

terrorism The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

Since the September 11, 2001, attacks on the World Trade Center and the Pentagon, **terrorism** has become one of the most pressing issues facing federal, state, and local law enforcement agencies. According to the International Association of Chiefs of Police (2014), homegrown violent extremists, foreign fighters, and domestic extremists continue to evolve and contribute to the threat that faces law enforcement agencies. Individuals and groups within each of these categories are extremely diverse, as are their justifications and targets. These extremist groups present problems because police officers at times cannot readily identify who they are in the community. Community policing is a strategy that goes hand in hand with proactive approaches aimed at preventing terrorism. In fact, expanded community policing strategies would seem to be the natural response to terrorism.

Police officers should recognize that engaging community members is especially important in countering violent extremism. Because of the widespread threat posed by the range of violent groups, and the difficulties inherent in distinguishing who is a violent extremist or is on the path of radicalizing to violence, it can be easy for violent extremists to blend into the community. Community members are an invaluable resource to help counter this "blend" factor by recognizing things that are out of the ordinary. Moreover, because extremists often attempt to recruit youth, whom they see to be the most vulnerable, for homegrown violent extremism, police officers should attempt to engage youth in positive relationships. This can provide an opportunity to counter the message offered by homegrown violent extremism. Programs such as police athletic leagues, youth police academies, and youth advisory councils, and sponsoring youth-specific events assist police in potentially offsetting the attraction of radicalization for some vulnerable youth (International Association of Chiefs of Police, 2014).

The community policing strategy is important for the police in preparing for possible terrorist acts and in responding to the fear they may create (Scheider & Chapman, 2003). Through partnerships and ongoing communication with citizens, police officers can reduce the fear of terrorism; for example, in response to community concerns about anthrax as a weapon of bioterrorism, police officers can fill an important role by providing accurate information about the threat (Carter & Holden, 2003). By opening themselves up to citizen input, police officers will become knowledgeable about, and responsive to, the varying concerns of different communities (Weaver, 2014). As Carter and Holden (2003, 299) point out, "What if the flight instructors who trained the September 11 operatives had been aware of terrorism concerns and had good ties with the police? Might the instructors have given an important lead to police and prevented the attacks?"

Community policing offers viable opportunities for the police to learn about potential terrorists working in concert with the community. If citizens recognize something that doesn't look right in their neighborhood, and if they have an open relationship with their neighborhood police officers, they are more likely to report this information. Thus, community policing holds promise as a valuable means of strengthening communications and investigations (Carter & Holden, 2003).

The problem-solving component of community policing appears to be well suited in the identification and investigation of possible terrorist activity. Scheider and Chapman (2003) argue that police departments can use many existing data sources ahead of time to develop detailed risk management and crisis plans. Identifying potential terrorist targets in local jurisdictions is an important first step. Police can determine what in their jurisdictions (dams, electric grids, chemical warehouses, large-scale public gatherings) are potential terrorist targets. Community policing strategies encourage agencies to conduct complex analyses of the possible threats and of their relative likelihood of occurring. Agencies in conjunction with other government, social, and community entities can develop detailed crisis prevention and response plans. Finally, the community policing model encourages continual refinement of these plans to suit changing conditions and threat levels.

Procedural Justice and Community Policing

Procedural justice is a concept that goes hand in hand with community policing practice. The concept focuses on the interactions between police and citizens and the idea of fairness. If police officers exercise their authority fairly, they build legitimacy and increase voluntary compliance of laws (Rahr & Rice, 2015). One purpose of procedural justice focuses on how interactions between the police and citizens shape the public view of the police. Law enforcement agencies gain more cooperation from suspects who feel officers have dealt with them fairly than from those who believe they have received unfair treatment. This demonstrates why treating people justly proves important. Not only will police officers obtain better support today but also, by representing law enforcement as fair, they will garner assistance in the future. It could mean the difference between an individual complying or becoming physically combative with police.

The manner in which citizens develop perceptions and opinions regarding an interaction with a police officer is based upon two things. First, the outcome of the encounter. For example, whether they received a ticket or some other formal sanction. Second, the process of the encounter. That is, how the officer came to the decision about whether to give a ticket or some other police action, and whether the officer explained their decision-making process.

Procedural justice is concerned not exactly, with what officers do, but also with the manner in which they do it. There is a growing amount of research evidence that citizens will leave an encounter with an officer, with a good impression of the officer, even though they received for example a traffic citation, if the citizen feels like the officer was fair and treated him with respect (Sunshine & Tyler, 2003; Tyler & Huo, 2002). Citizens are likely to feel affirmed if officers treat them with respect, making it easier to accept even outcomes they do not like (Deutsch, 2000).

Police officers may increase citizen trust by following procedural justice tenants. This might include incorporating the following practices into contacts with citizens: Initiate a citizen contact by informing the citizen of your name and agency. For example, "Good afternoon, my name if Officer Johnson with the River City Police Department."

- When conducting a stop, explain to citizens the reason for the stop.
- Be courteous at all times.
- Avoid heavy-handed tactics.

- Allow the citizen to have voice. For example, during a car stop some citizens may voluntarily offer an explanation to the officer why they were speeding. The officer should make a reasonable effort to hear the citizen out.
- In the case of repeated neighborhood problems, allow citizens to have a say in both defining and solving the problem.
- Keep communication open with citizens at all times. This includes self-initiating contact with citizens when not on call. This is especially important for police officers working in racial minority communities, which historically have had mistrust in the police.
- When police officers take official action, provide an explanation to citizens for the action. This includes suspects the police arrest. Police offices will gain more cooperation from suspects who feel officers have dealt with them fairly than from those who believe they have received unfair treatment (Waldschmidt, 2018).

▶ Does Community Policing Work?

A number of studies since the 1980s have shown that community policing holds much promise in reducing crime and disorder problems. Mary Ann Wycoff and Jeffrey Skogan investigated the implementation and impact of community policing in Madison, Wisconsin and found very positive results. They found that it was possible for a traditional police department to change and that the community and officers both benefited from improved attitudes. Attitudes of police toward the organization and their work improved. Accompanying these changes was a reduction in citizens' perceptions that crime was a problem in their neighborhood, and increased beliefs that police were working on problems of importance to people in the neighborhood (Wycoff & Skogan, 2001).

An evaluation of the Community Patrol Officer Program (CPOP) in New York City found many reasons for satisfaction and optimism for the future. The study evaluated New York City's CPOP, which attempts to put community policing into practice at the beat level. Beginning as a pilot project in 1984, and expanding to all 75 precincts in 1989, the program gives the individual community patrol officer (CPO) responsibility for addressing crime and order-maintenance problems in a 16 by 60 block beat, which is usually patrolled on foot. Data were collected in 1986–1988 from interviews with CPOs and their supervisors, and from observation and records of 54 CPOP beats. The most important function of the CPO is to carry out problem solving in the beat area. CPOs were most effective in attacking street-level drug problems, least effective with parking and traffic problems. Community leaders reported that CPOP units contributed significantly to improved relations between the police and the community. The core of CPOP is the application of the problem-solving process in the context of a local community.

Researchers David Weisburd and John Eck found evidence to support continued investment in police innovations that call for greater focus and tailoring of police efforts, combined with an expansion of the tool box of policing beyond simple law enforcement. The strongest evidence of police effectiveness in reducing crime and disorder is found in the case of geographically focused police practices, such as hot-spots policing. Community policing practices are found to reduce fear of crime, but the researchers do not find consistent evidence that community policing (when it is implemented without models of problem-oriented policing) affects either crime or disorder. A developing body of evidence points to the effectiveness of problem-oriented policing in reducing crime, disorder, and fear (Weisburd & Eck, 2004).

The Chicago Police Department formed teams of officers who were dedicated to tackling problems in their own small beats. Evaluations found changes in the visibility

of policing, new optimism about the quality of police service, and evidence that crime, social disorder, and physical decay decreased in the community policing districts. Every district registered some successes, and those who benefited included home owners, renters, whites, and African-Americans (Skogan & Hartnett, 1997).

The Wichita, Kansas Police Department initiated community policing by assigning 17 specially trained community police officers to four high-crime target neighborhoods. They were asked to work with the community to accomplish something that many officers felt was impossible. Three goals were identified: (1) reduce prostitution and crime, (2) improve police–community cooperation through partnerships, and (3) improve the appearance of the neighborhood. The neighborhood created a steering committee to guide the neighborhood initiative. The Wichita Police Department reported most impressive results. During a 20-week evaluation period, prostitution decreased by 41 percent and prostitution-related crimes decreased by 47 percent. In addition, 911 calls to the neighborhood decreased by 16 percent (Cole, 2001). The authors have many anecdotal accounts from police officers that community policing has been an effective strategy in such areas as crime reduction through problem solving, building community trust, and reducing neighborhood disorder.

Summary

- Community policing is the evolving strategy of policing in the United States.
- The core components of community policing include partnerships, problem solving, and organizational transformation.
- Community-oriented policing represents a shift from more traditional law enforcement in that it focuses on prevention of crime and the fear of crime on a very local basis.
- In part, community policing evolved from strategies such as police–community relations, team policing, crime prevention, and foot patrol; however, the initial spark of finding better ways to police communities and the movement toward community policing strategies was initiated with the research findings of the 1970s that shattered a few of the traditional assumptions about police patrol strategies.
- Research studies increasingly challenged police to change their way of thinking, as well as their strategies in battling crime and disorder problems, and a growing fear of crime among the general citizenry. Community policing strategies are a direct carryover from past police practices, such as team policing, and police–community relations programs.
- Community-oriented policing is not a program, it is a philosophy or strategy, a way each department member from the top to bottom, sworn to non-sworn, view their jobs.
- Community policing differs from traditional law enforcement because it allows police the freedom to expand the scope of their jobs. Police in this sense are challenged to become community problem solvers and encouraged to use their time creatively.
- In problem solving, police officers, citizens, and other public and private entities work together to address the underlying problems that contribute to crime and disorder by identifying and analyzing problems, developing suitable responses, and assessing the effectiveness of these responses. The police may rely less heavily on enforcement and may look at a wide variety of other options suitable in solving a problem.
- Professor Herman Goldstein is considered by many to be the pioneer of problem-oriented policing. Problem solving is an important component of community policing. As a result, during the 1980s, a number of law enforcement agencies throughout the United States and in other countries began a wide variety of problem-oriented policing initiatives as part of their community policing strategy.
- One of the most popular problem-solving models is known by the acronym SARA. This acronym stands for Scanning, Analysis, Response, and Assessment. The SARA model presents a systematic way in which a police officer can investigate problems.
- Community policing is a strategy that is designed to be intertwined with all police activities. Under the axiom of community policing, individual line officers are given the authority to solve problems and make operational decisions suitable to their roles, both individually and collectively.

- Under community policing, police officers focus not only on enforcement, but also on crime prevention and proactively addressing the root causes of crime and disorder. Likewise, citizens actively engage in collaborating on prevention and problem-solving activities with a goal of reducing victimization and fear of crime.
- Community policing is a strategy that goes hand in hand with proactive approaches aimed at preventing terrorism. Expanded community policing strategies would seem like the natural response to terrorism. Problem-solving models seem to be well suited to preventing and responding to terrorist activity.
- Procedural justice is a way for the police to establish legitimacy and gain trust among citizens. It involves police officers treating citizens with respect, giving them voice and listening to what they have to say, being fair in decision-making, and explaining official police action.
- Evaluations of community policing show that the strategy holds much promise as a policing strategy. The one common theme among community policing evaluation is that the strategy appears to make citizens feel safer about their neighborhoods.

Classroom Discussion Questions and Activities

1. Compare and contrast community policing and traditional policing strategies.
2. Discuss how police research contributed to the movement to community policing.
3. Have students identify and discuss community policing activities in their community.
4. Identify a community problem and have students utilize the SARA problem-solving model as a guide to solving the problem.
5. Conduct a crime prevention study applying the CPTED techniques to a location close to campus.
6. Discuss ways that community policing can assist police with terrorism prevention.
7. Discuss how procedural justice can improve citizens' trust in the police.

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CHAPTER OUTLINE

- Introduction
- The Role of Patrol in the Preliminary Investigation
- Initial Steps in the Investigation
- Photographing the Scene
- Crime Scene Search
- The Nature of Evidence
- Types of Evidence
- Cybercrime
- Summary

5 The Crime Scene and Preliminary Investigation

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe the role of the first responder to a crime scene.*
- *Discuss the preliminary crime scene assessment.*
- *Describe techniques used to document the crime scene.*
- *Identify the different types of fingerprints that may be left at a crime scene.*
- *Discuss techniques used in photographing the crime scene.*
- *Discuss the crime scene search techniques.*
- *Discuss proper evidence documentation and packaging.*
- *Identify the various classifications of evidence.*
- *Discuss the general nature of cybercrime.*
- *Discuss the investigative considerations of cybercrime.*

Introduction

Dennis L. Rader was arrested on February 25, 2005, after a 31-year investigation and hunt for the serial killer. He has been sentenced to 175 years to life for 10 murders that were committed in the Wichita, Kansas area from 1974 to 1991. He was married with two grown children, was a Cub Scout leader, and president of his Lutheran church. No one suspected Rader to be the notorious BTK serial killer. To the casual observer, he was an ideal citizen and neighbor.

Rader, the self-named "BTK strangler," which stands for "Bind them," "Torture them," and "Kill them," gave an apt description of his **modus operandi** (MO). [*Modus operandi* (often used in the abbreviated form MO) is a Latin phrase, meaning "mode of operation." It is used in police work to describe a criminal's characteristic patterns and style of work.] Rader developed a pattern or "MO" for his murders. He would drive around the city until he found a potential victim. At that point, he would stalk the person until he knew the pattern of their lives and when would be the best time to strike. Rader would often stalk multiple victims at a time, so he could continue the hunt if one victim didn't work out. When Rader murdered, he would break into the house, cut the phone lines, and hide until his victim came home.

modus operandi
Often abbreviated as "MO," this is a Latin phrase, translated as "mode of operation." It is used in police work to describe a criminal's characteristic patterns and style of work.

Rader calmed his victims by pretending to be a rapist who needed to work out his sexual fantasies on them. This caused many of his victims to be more cooperative and even help him, thinking that once the rape was over, he would leave them alone. Instead, Rader would kill them in a brutal and grotesque fashion, strangling the victims until they were near death, bringing them back to consciousness, and then strangling them again. The sight of the victim's struggle sexually aroused Rader. In many of the crimes, Radar masturbated over the victim until he ejaculated, leaving semen on the corpse.

After his arrest, Rader seemed to enjoy telling investigators about his crimes. Using personal jargon for his killing equipment, Rader casually described his victims as his "projects" and at one point likened the murders of his victims to killing animals by saying he "put them down." Rader created what he called a "hit kit," a briefcase or bowling bag containing the items he would use during murders. The hit kit contained guns, tape, rope, and handcuffs. He also packed what he called "hit clothes" that he would wear for the crimes and then dispose of. Rader told investigators that he was possessed by a demon from an early age and could not contain himself.

What was even more chilling, after each murder the elusive BTK strangler taunted authorities with clues, puzzles, and obscene letters that boasted of the crimes and knowledge of details of the crimes. Then suddenly, in 1988, the BTK strangler seemingly vanished, the letters stopped, and the murders remained a cold case for years.

The letters resumed in 2004, after some 25 years of silence. A few years before the BTK strangler ended his silence, the cold case became hot. Two Wichita Police Department detectives were assigned to work on the unsolved 1986 killing of 28-year-old Vicki Wegerle, a wife and mother found bound and strangled in her Wichita home. Police found a man's DNA under her fingernails. The profile was entered into a newly developed national database of criminals, but there was no match; however, DNA tests showed that the same killer had been in the homes where BTK strangled a family of four in 1974, and another victim in 1977. This evidence, in part, was used to apprehend Dennis Rader as the BTK strangler.

The BTK strangler case illustrates the importance of thoughtful and thorough crime scene investigations. The detectives investigating the BTK murders in the 1970s had the foresight to collect semen and other evidence left at the scene by the killer even though scientific analysis techniques at that time were somewhat limited, and DNA analysis for use in crime scene investigations was unheard of. It was this very evidence some 30 years later that assisted in identifying Rader as the BTK strangler.

The investigation of crime is an important mandate of the police. Even the smallest police organization is not exempt from this mandate. In most medium and large police departments, there are usually personnel assigned to a specialized unit who have the responsibility for the follow-up investigation of crime. In many small police departments the investigation of crime at all stages is handled by the patrol force. Regardless of who within the police organization conducts the follow-up criminal investigation, the patrol force plays an important role in the crime scene investigation process. The actions taken at the outset of an investigation at a crime scene can play a critical role in the successful resolution of a case. The treatment and preservation of the crime scene is vital to the identification and ultimate prosecution of the perpetrators. A crime scene that is handled in a haphazard manner can be detrimental for the successful resolution of the case, not to mention the police department's reputation.

The diligent investigation of the crime scene is both necessary and critical. This chapter is designed to provide you with the basics involved in the crime scene and preliminary investigation. Our focus in this chapter will be broad, as we don't break down the investigation of specific crimes, but rather provide an overview of preliminary considerations that should be taken at the crime scene. These considerations are appropriate and necessary regardless of the type of crime. Strictly speaking, there is a logical protocol that is required of the police at the crime scene, whether it is a burglary, robbery, or homicide investigation; however, there are no normative criteria for judging the success or failure of an investigation. Just because a crime remains unsolved does not indicate a deficiency in the investigation; nor does a conviction of the accused necessarily mean that the investigation was conducted in an intelligent manner (O'Hara & O'Hara, 2003). As O'Hara and O'Hara (2003, 6) report: "An investigation can be considered a success if all the available information relevant and material to the issues or allegations of the case are uncovered." Many cases simply will go unsolved because of a lack of evidence.

The case of the BTK strangler discussed previously is a good example. This was a case involving 10 murders that went unsolved for over 30 years, not because the police were ineffective, or that they conducted a poor investigation. Quite to the contrary, they utilized some of the best and emergent technologies when it became available, which included a satellite tracking device borrowed from the Department of Defense. Scores of psychiatrists and psychologists, Federal Bureau of Investigation (FBI) agents, and profilers attempted to furnish information that would assist in solving the cases. The BTK strangler case simply paralyzed the largest city in Kansas with fear for many years. Citizens coming home from work would make it a point before they entered their homes to check the phone line to ensure that it had not been cut, and then to check the windows around the house to ensure that they were not broken. During the BTK killing spree, many citizens purchased guns and chemical mace products for self-protection.

Consider one other case where thoughtful evidence collection by crime scene investigators resulted in the identification and arrest of a suspect many years later. On April 24, 2018, Joseph James DeAngelo, a 72-year-old former police officer, was arrested in his suburban Sacramento home. He is accused of committing 12 homicides and at least 45 rapes of women from 1978 to 1986. The crimes spanned over at least 10 counties in California. DeAngelo, dubbed the Golden State Serial Killer, tormented his victims with sadistic rituals. Some he shot and killed with a firearm while others were bludgeoned to death. His method of operation was that he wore a mask and he bound his victims' hands. He started by raping single women and then went on to raping married women in some cases with their husbands present, before killing them. Like the BTK strangler discussed previously, the killings and rapes seemed to have suddenly stopped and the case went cold for many years.

Recently, police authorities used an ingenious investigative method that resulted in the identification and arrest of the Golden State Serial Killer. Police investigators linked DNA evidence collected from crimes scenes in the 1970s and 1980s to genetic information

contained on a consumer genealogical website. The police checked the crime scene DNA against a popular genealogical websites filled with the profiles of people who volunteered their genetic codes in the hope of discovering their relatives and ancestors. The Golden State Serial Killer was not in the genealogical database but a relative's genetic code was which led the police to killer's family and narrowed that down to DeAngelo. Investigators began to reconstruct DeAngelo's life looking for a connection between the crimes and where he was during those times. The Golden State Killer case is another example of how crime scene investigators in the 1970s and 1980s meticulously collected DNA evidence from the crime scenes only to have that pay off years later with a DNA match of the suspect and crime scenes.

preliminary investigation The investigation of the crime scene usually performed by first responding police officers immediately after the crime has been detected and reported.

evidence Anything that assists in proving or disproving a fact. Any object that can establish that a crime has been committed, or any object that can link a suspect to a crime, or provide a link between the victim and a crime. The weapon used in a homicide is considered evidence that can assist in proving the crime of murder.

proof beyond a reasonable doubt The level of certainty a juror must have to find a defendant guilty of a crime. Proof beyond a reasonable doubt is proof of such a convincing character that you would be willing to rely and act upon it without hesitation. The burden of proof in a criminal trial before an individual may be found guilty.

crime scene A location where a criminal offense occurred and where evidence of the crime may be located. It is not necessarily the only location where the crime took place. Indeed, there are primary, secondary, and often tertiary crime scenes.

▶ The Role of Patrol in the Preliminary Investigation

The Initial Patrol Response

The **preliminary investigation** is the primary responsibility of the patrol force that is responsible for the initial documentation of the scene. Documentation of the crime scene may include photographs, diagrams, and/or written reports.

Internal and external photographs are taken if the crime was committed in a residence, building, or other structure. External and aerial photographs are taken if the crime was committed in a field or some other rural area. If there are human remains on the scene and a weapon, both the location and appearance are important to document. **Evidence**, which is subsequently documented, collected, and placed in proper containers, may require special handling, especially if it is large or present on a wall, floor area, side of a building, or a door (which may have been impacted with gunshot, for example).

In the investigation of any crime, the investigator must interview witnesses and any other persons who may have the knowledge of the crime. The investigator must then search for and collect evidence with the hope that the offender will be identified. Innocence is always assumed for every suspect no matter what the suspect has allegedly done or regardless of your feelings toward the suspect. The guilt of the suspect must be probed later in a court of law. The burden of this guilt is called **proof beyond a reasonable doubt**. This cannot be accomplished by haphazard investigative techniques.

When a crime has been committed, all efforts are directed into recording the facts of the crime, identification of the perpetrator(s), and their apprehension and arrest. The responsibility of the first responding officer on the scene is to report the incident and secure the area until relief arrives, or the laboratory or official scene investigators take over the scene. Initial responding police officers may also be needed after the scene has been secured to relay findings to other officers or investigators who are investigating clues and collecting preliminary statements from witnesses, neighbors, or members of the family of the victim(s).

The investigation of a crime typically begins when patrol officers arrive at the **crime scene**. The crime scene is the site or location where the crime took place. There may be more than one crime scene involved in a specific crime; for example, there may be secondary or even tertiary crime scenes. Suppose that the victim of a sexual assault is kidnapped from her residence and forced to drive to a field located in a rural area, where she is then sexually assaulted. The suspect then drives the victim to a hotel room and sexually assaults her again. In this case, there are three separate crime scenes: the victim's residence where she was abducted, the field where the first assault took place, and the hotel room where the second assault took place. Another example is a crime where a victim of a homicide was

PRACTICE HINTS

FIRST RESPONDING POLICE OFFICER(S)' DUTIES AT A GLANCE

- Take control of the crime scene immediately.
- Arrest suspect still at the crime scene.
- Administer first aid as needed.
- Remove all persons from the crime scene.
- Determine the extent to which the scene has been protected. Obtain information from personnel who have knowledge of the original condition.
- Establish a perimeter to protect the scene.
- Continue to take extensive notes.
- Keep out unauthorized personnel (when personnel who have no bona fide need to be on the scene insist on entering, record their names and the times they were on the scene, for court purposes).
- Record all persons who enter and leave the crime scene.
- Maintain control of the scene until relieved by designated personnel. When another officer arrives to assume control of the scene, verbally confirm this as a fact and record the time and the officer's name and rank.

killed at one location and then driven by the suspect to another location, where the victim's body was subsequently disposed of. In this case, where the victim was killed is one crime scene, and where the victim's body was disposed of is the second crime scene. Crime scene processing occurs at locations where a crime has been committed.

The preliminary investigation of the crime scene includes care of injured persons, apprehension of the offenders if still present at the scene, and the securing and protection of the crime scene pending a search for physical evidence; this also includes keeping onlookers and media personnel away from the scene. This is important because it ensures that evidence will not be tampered with or walked on by persons who should not be within the perimeter of the crime scene. Wilson and McLaren (1977, 348) in their classic text, *Police Administration* (4th ed.), summarized both the direct and investigative duties in a Chicago Police Department training bulletin. These duties have changed very little today and can still serve as a guide for police.

P Proceed to the scene with safety and dispatch.

R Render assistance to the injured.

E Effect arrest of perpetrator.

L Locate and identify witnesses.

I Interview complainant and witnesses.

M Maintain scene and protect evidence.

N Note all conditions, events, and remarks.

A Arrange for collection of evidence.

R Report incident fully and accurately.

Y Yield responsibility to detectives.

One of the most important responsibilities of the first responding officers at the crime scene, next to aiding the injured and apprehending perpetrators that may still be on the scene, is protecting the scene until relieved by a supervisor or the assigned investigating officer or unit. While en route to the crime scene officers should constantly be alert for potential suspects, witnesses, and/or vehicles leaving the scene. The responding officer(s) should conduct an initial preliminary investigation to a point where a lapse in

the investigation would not hamper or jeopardize the outcome of the case. Patrol officers should cease the preliminary investigation when the investigation demands special skills and the attention of the investigators. The actions of first responding police officer(s) at the crime scene are often the foundation for the successful resolution of the crime (Lee, Palmbach, & Miller, 2001).

Once patrol receives the call to report to a crime scene, their initial response should be expedient, but done so in a safe and prudent manner. Upon arrival, the officers should immediately assess the scene and treat the incident as a crime scene until it is determined otherwise. One of the most important aspects of securing the crime scene is the preservation of the scene in order to ensure minimal disturbance to the physical evidence.

Generally, the investigations unit should be called on all serious or major crimes, such as homicide, life-threatening assaults and batteries, rapes involving crime scene processing, scenes where there is a large amount of evidence to process, robberies involving life-threatening injuries, major burglary scenes, fatality accidents, or when it is determined that the need exists to process the crime scene. Of course, this will vary somewhat depending on the standard operating procedure of the police agency. In some police agencies, investigators will not respond to relatively minor crime scenes, while in others they may. Likewise, in some smaller police agencies, the patrol officer performs many of the investigative duties that an investigator may perform in a larger police agency. Officers working in smaller police departments are sometimes called "generalists" because of their versatility in the police function.

Regardless of the nature of the crime, officers should always evaluate the crime scene closely to determine the need to contact the investigations unit. Specific conditions that may necessitate the need to call the investigations unit may include whether there is a likelihood that the collection of fingerprints will entail special techniques, if photographs other than general crime scene photos are needed, or if there is need to collect evidence that is beyond the expertise of the patrol officer.

Self-Protection

Controlling individuals at the crime scene is an important function of the first responding officers. Policing is a hazardous profession. Officers put themselves into potentially dangerous situations in order to protect and serve the communities in which they live. Consequently, they must constantly educate themselves about the dangers they might face and how to minimize those risks. Responding to the crime scene is no exception, and officer safety is a primary concern.

While the officers will receive pertinent information about the crime from emergency communication dispatchers, the first responding patrol officers should avoid the practice of relying on this information exclusively. There is always a possibility that the crime is still in progress and that the dispatchers did not have this information. The responding officers must be prepared to deal with a potentially dangerous situation, as well as being prepared to defend themselves and the public from a suspect who still may be present at the scene. In cases where there is a likelihood that the suspect is still on the scene, the officers should request a backup if one has not already been assigned. Likewise, the responding officers should anticipate potential threats while en route to the crime scene. Will the suspect be on the scene? Will the victim's relatives turn in anger on the emergency responders? What kinds of hazards can the officer expect? What is the extent of the crowd that may have gathered? These and other questions must be considered and hasty contingencies developed that may allow the officer to overcome any potential threat that presents itself (Gardner, 2005).

The responding officers must first ensure that no personal harm can result from a hidden suspect. If it is determined that the suspect is still present at the scene, the officers

VOICES OF EXPERIENCE

OKLAHOMA CITY BOMBING INVESTIGATION

Excerpts from an interview between Cliff Roberson and former police officer, Mark R. McCoy, currently a professor at the University of Central Oklahoma. Professor McCoy also served as an investigator for the Oklahoma State Bureau of Investigation (OSBI) where he specialized in computer-related investigations.

Q: It is my understanding that you were involved in the investigation of the Oklahoma City bombing. Tell us about the investigation.

A: At the time I was a resident agent in Stillwater, Oklahoma, which is about 60 miles north of Oklahoma City. When the bombing occurred, about half the agents in the Oklahoma State Bureau of Investigation were assigned to help with the investigation. We assisted the FBI in running leads and coordinating the investigation. The FBI brought hundreds of agents into Oklahoma and many were not familiar with the local area. Our agents assisted in evidence recovery. It was amazing how large the investigation was. We had thousands of leads that were coming in 24 hours a day. The leads had to be assigned to agents and investigated. It was estimated that several hundred investigators were present at the scene. In addition, leads were forwarded to investigators all over the country. At the command center, there were 10 to 15 agents just answering the telephones as the leads were coming in. One of the biggest problems was identifying the victims. Our fingerprint people had to go to the homes of the children and dust their toys for latent fingerprints in order to identify the child victims.

Source: Used with the permission of Mark R. McCoy, Professor at the University of Central Oklahoma.

should detain and remove the suspect as soon as possible. The search and arrest of the suspect must be done in a manner so as not to destruct physical evidence that may link the suspect to the crime scene. If the suspect is apprehended in the area near the crime scene, never return the suspect to the crime scene. This practice will prevent potentially contaminating the scene, or an altercation between the victim, victim's family, or others who may still be present at the crime scene. In cases where the victim needs to identify the suspect, it should be done in a more controlled environment. It is extremely important that the officers at the crime scene not allow any suspect to contaminate the crime scene in any manner.

Care for the Injured

After controlling any dangerous situations or persons, medical attention should be provided to injured persons while minimizing the contamination of the scene. Officers should either provide direct emergency first aid to injured persons or allow paramedic first responders to aid the injured persons. In some jurisdictions, it is common that emergency paramedics arrive at the scene of a crime before the police. If this is the case, the officer should obtain the name, unit, and location of the medical facility where the victim is to be taken. Medical personnel should be instructed not to clean up the crime scene and to avoid removal or alteration of items originating from the scene. The names of all paramedic personnel should also be recorded by the officer.

dying declaration
A statement by a person who is conscious and reasonably believes that death is imminent concerning what he or she believes to be the cause or circumstances of death that can be introduced into evidence during a trial in certain cases.

If there is a chance that the victim may die, an attempt should be made to obtain a **dying declaration**. A dying declaration is a statement made by a person who reasonably believes that he or she is about to die, concerning the cause or circumstance surrounding his or her impending death. The victim of a life-threatening assault may make a dying declaration implicating her neighbor, John Smith, as the person who attacked her. A dying declaration is considered credible and trustworthy evidence based upon the general belief that most people who know that they are about to die do not lie. As a result, it is an exception to the

PRACTICE HINTS

THE BASICS OF TAKING SUSPECTS INTO CUSTODY

1. Check for weapons—if present, remember to be aware of safety and that they are evidence. Firearms will need to be recorded and unloaded (don't handle or dry fire them!)
2. Remove from the scene and isolate suspect. If necessary, stay with the suspect while the suspect uses any restroom facilities.
3. Do not let the suspect return to the scene.
4. Document the condition of the suspect (describe, photograph, etc.).
5. Document the behavior of the suspect and record any spontaneous statements made by the suspect.
6. Document any injuries of the suspect and record the condition of the suspect's clothing.

Source: "The Basics of Taking Suspects into Custody" from HENRY LEE'S CRIME SCENE HANDBOOK—2001 Source page no 53 by Marilyn T. Miller, Timothy Palmbach, & Henry C. Lee. Published by Elsevier © 2001.

hearsay rule, which prohibits the use of a statement made by someone other than the person who repeats it while testifying during a trial, because of its inherent untrustworthiness.

Changes or alterations made to the crime scene by paramedics should be carefully documented. Consideration must be given to the eventual reconstruction of the condition of the injured party prior to administering first aid. Officers should point out potential physical evidence to paramedics and ask them to minimize contact with such evidence. It is also critical that officers stop needless destruction of evidence by relatives or friends of the victim who may be on the scene; otherwise a tremendous amount of evidence may be lost to the case. Assisting and guiding paramedics during the care and removal of injured persons will minimize the risk of contamination and loss of evidence. If the victim or suspect is transported to a medical facility, a police officer should be sent with the victim or suspect in order to document any comments made by the victim and to preserve evidence.

Securing the Crime Scene

Police patrol officers are typically the first to arrive at the scene of a crime. As discussed previously, they have the responsibility to arrest the perpetrator if he or she is still on the scene, and call for an ambulance if necessary. It is paramount that the scene is secured so that evidence is not destroyed. Once the officer has ensured that the suspect is no longer on the scene and there is not an immediate need to administer first aid, the crime scene is then defined and secured. The first responding officers are responsible for scene protection until relieved by a supervisor or the assigned investigating officer.

The proximity of the crime scene boundaries should be determined as soon as possible. Defining and controlling the crime scene boundaries provides a means for protecting and securing the crime scene. The number of crime scenes and their boundaries are determined by their location(s) and the type of crime. It is recommended that boundaries be established beyond the initial scope of the crime scene(s). Boundaries can always be reduced in size if necessary, but they cannot be expanded as easily once the investigation has been initiated. Boundaries of the scene(s) should be started at the specific focal point and extended outward to include where the crime occurred, potential points and paths of entry and exit, and places where the victim and evidence may have been moved. Be aware of trace and impression evidence while assessing the scene.

Persons present within the crime scene boundaries should not smoke; chew tobacco; use the bathroom; eat or drink; move any items, including weapons (unless necessary for the safety and well-being of persons at the scene); adjust the thermostat; or open windows

or doors. The crime scene should be maintained as it was found. Any item(s) at the crime scene should not be touched unnecessarily. If the officer does move or reposition an item or touch something, it should be documented.

An attempt should be made to determine the extent to which the crime scene was protected prior to the officer's arrival. Barricade tape should be put up around the crime scene and a **crime scene log** should be started. Barricade tape is used for a variety of reasons and is designed to protect and identify above-ground hazardous areas or elements such as construction sites, work areas, crime scenes, crowd control, and any potentially dangerous areas. Barricade tape used in police work is usually reflective bright yellow and plastic with a large black visible legend printed continuously across the tape that reads, "POLICE LINE—DO NOT CROSS."

crime scene log A log that is kept at the crime scene, that documents persons present at the crime, what time they arrived, what time they left, and what action they took. This includes not only police personnel, but also medical and fire personnel. Provides permanent documentation of those present at the crime scene.

A crime scene log is a report that documents all personnel and their actions at the scene of the crime, including the time of their arrival and the location of their presence at the scene. As discussed previously, first responders should remove, secure, and debrief all persons found within the crime scene. This includes obtaining their names, addresses, place of employment, and phone numbers. If an eyewitness is present, the first responding officer should check with the crime scene investigators to see if they want to interview the person at that time. Arriving personnel should not be allowed to enter the secured crime scene unless necessary for investigation. The first responding officer should not allow anything to be removed from the crime scene. Challenge any person attempting to enter. Even other officers who arrive at the crime scene just to take a look should be reminded of the possibility of contaminating the crime scene.

As most police officers know, at the scene of a major crime there is always the tendency of some police officers to want to get a quick look at the scene or the victim. This practice should be discouraged. Only officers who are involved in the investigation should be permitted to physically enter the crime scene. The first responding officer should ascertain why a person is entering the crime scene and make the appropriate notation on the crime scene log. Actions should be taken to restrict unauthorized personnel from entering the crime scene.

A command post should be established as soon as possible at the scene of a major crime. It is never acceptable to establish the command post within the perimeter of the crime scene; for example, it would be disastrous to establish the command post at the kitchen table inside the residence where a homicide has occurred. It may be necessary to establish a unified command with the fire department incident commander in crime scenes that involve a fire death. A command post established outside the perimeter may also assist in keeping unauthorized persons from entering the crime scene.

PRACTICE HINTS

CRIME SCENE LOG

SCENE LOG		
Date:		
Location:		
Case Number:		
Name	**Time In**	**Time Out**

All officers present on the scene should complete a written report of what they did at the scene. It is a wise practice to photograph personnel who attempt to enter the scene without authorization. This is advantageous so that their identities can be revealed at a later time, if needed. The first responding officers should report extreme violations of the crime scene protection protocol to a supervisor, who should take immediate action.

Note taking for appropriate narrative reports and/or offense reports should be in progress by this step. First responding officers should concentrate on the immediate area of the crime. If this stage of action is undocumented and poorly organized, then all subsequent events in the crime scene search may lack direction. Pertinent information may include the following:

- Time of arrival
- Weather conditions
- Approximate time of offense
- Time offense was discovered
- Identity of other officers present, medical personnel, first responders, and others
- Identify of relief officer(s)
- Interview results
- Any physical evidence information and how it was collected

Information should be obtained from other persons regarding the original conditions of the crime scene, such as persons that discovered the crime, paramedics, fire department personnel, and other personnel that may have arrived at the scene prior to the police. In the case where officers are relieved by an officer of a different shift, all pertinent information about the crime should be passed along to the relief officer in writing, whenever possible. The need for scene protection will vary according to location, lapse of time since the offense, prior contamination of the scene, and similar factors, including adjusting the perimeters of the crime scene as needed. Generally, it is the investigation unit's responsibility to conduct a crime scene search at major crime scenes. In any crime scene investigation, it is important that the following two crime scene considerations be observed: (1) you cannot overdocument physical evidence, and (2) there is only one chance to perform the job properly.

News Media

The news media represent a potential problem for officers who are charged with securing the crime scene. Oftentimes the media arrive at the crime scene shortly after the first responding officers. Officers should keep in mind that most members of the media simply want to get a story as soon as possible. Furthermore, the media can play an insurmountable role in assisting the police in the identification of victims, suspects, and in ultimately solving the crime. The police should as a matter of policy release as much information to the public through the media without jeopardizing the outcome of the case.

How far can the media go in photographing and reporting information about the crime scene? The media may report and photograph anything they observe while legally at a crime scene. The media should be allowed to be close enough to the scene to be able to obtain film footage for their newscasts. Sometimes, media personnel will try to get too close to the crime scene or even enter the scene in order to get better photographs. The first responders have a responsibility to control the media and restrict them from entering the actual crime scene. Additional officers should be called to assist if needed.

The first responding officers should not release information to the media and should refer media questions to the on-scene commander. Once the crime scene has been secured,

PROCEDURE FOR TURNING OVER CONTROL OF THE CRIME SCENE

The initial responding officer should:

1. Brief the investigator(s) taking charge of the crime scene.
2. Assist in controlling the crime scene.
3. Turn over responsibility for the documentation of entry or exit.
4. Remain at the scene until relieved of duty.

there should be a location established for the media to gather. This will make it convenient for police commanders or the public information officer to locate media personnel for the purpose of providing updates on the case. Police authorities should remain in periodic contact with the media for the purpose of updating them on the investigation.

The Neighborhood

Regardless of the seriousness of the crime, a neighborhood check should be conducted. In other words, officers should walk the neighborhood and inquire from citizens if they saw or heard anything unusual prior to or during the approximate time of the crime. Many police officers have solved burglaries and other crimes by simply doing a neighborhood check. In one case, an officer was conducting a neighborhood check regarding a burglary, and found that one of the neighbors living a few houses from the victim's house had observed two juveniles breaking the window in order to gain entry. The witness was able to identify the juveniles. It is difficult to estimate the number of crimes that could be solved if officers got into the habit of walking the neighborhood and talking with citizens during the investigation of a crime. In many cases the citizens may be reluctant to get involved or approach the police with information, so the police should make an effort to approach citizens.

Turn Over Control of the Scene

Once investigators arrive at the scene and assume control, the first responding police officer's job is still not over. The first responding officer should provide a detailed crime scene briefing to the investigator in charge of the scene. The scene briefing is the only opportunity for the next in command to obtain initial aspects of the crime scene prior to the subsequent investigation. Police officers may then be assigned to secure and control certain locations at the scene, or they may be assigned to assist in interviewing witnesses and searching the crime scene.

▶ Initial Steps in the Investigation

The Initial Assessment

It would be impossible to propose a step-by-step procedure that offers guidance to every situation that a police officer may encounter; however, there are basic principles that should be adhered to in every case. As a rule of thumb, first responding officers and investigators should approach the crime scene investigation as if it will be their only opportunity to preserve and recover these physical clues.

PRACTICE HINTS

CRIME SCENE INVESTIGATIVE FACTORS

1. Initial discovery and security.
2. Report of finding and call for support by other law enforcement authorities, if necessary.
3. Processing by laboratory.
4. Processing by medico-legal investigations.
5. Review by special investigations arson, explosives, blood splatter.
6. Review of scene by prosecuting attorneys.

Source: "Crime Scene Investigative Factors" by William G. Eckert from HOMICIDE INVESTIGATION. Published by Wichita State University, © 1986.

Investigators should consider all case information or statements from witnesses or suspects carefully in their objective assessment of the scene. It is not uncommon for investigations to change course a number of times during such an inquiry and physical clues, initially thought irrelevant, may become crucial to a successful resolution of the case (Osterburg & Ward, 2004).

Search Warrant

An important first step in the crime scene investigation is to evaluate search and seizure issues to determine the necessity of obtaining **consent to search** or a **search warrant**. (Consent to search is given by a person who has legal care, custody, and control of the property or location.) If consent to search is obtained, it should be in writing. Most police agencies have a "consent to search form" as part of their written forms. Consent searches are a legitimate means of obtaining evidence, but it is always best to obtain a search warrant. The gold standard is: when in doubt, obtain a search warrant.

consent to search Authorization given to the police to search someone's home or other location by the person who has care, custody, and control of such place.

The controlling principles governing search warrants are generally provided by the U.S. Constitution's Fourth Amendment. The Fourth Amendment of the U.S. Constitution, which is part of the Bill of Rights, guards against unreasonable searches and seizures. The procedure for obtaining a search warrant involves the presentation of an affidavit to a judge or magistrate by a law enforcement officer requesting that the magistrate issue the search warrant based on the probability of criminal activity.

search warrant An official order signed by a judge or magistrate authorizing a search of someone's home or other location. The controlling principles governing search warrants are generally provided by the U.S. Constitution's Fourth Amendment.

The Walk-Through

A preliminary walk-through of the crime scene should be completed by the crime scene investigators. Generally, the walk-through should be conducted with individuals who will be responsible for processing the scene. The crime scene walk-through provides an overview of the entire scene, identifies any threats to scene integrity, and ensures protection of physical evidence. Prior to the walk-through, a narrative technique should be selected such as written notes, audio record of the events, or video recording. Written and photographic documentation provides a permanent record. At this stage, it is important during the scene walk-through that the investigators avoid contaminating the crime scene. Due care should be given where the investigators and police officers step within the scene. The preliminary documentation of the scene should be noted as it is observed.

Crime scene photographs, video recordings, diagrams/sketches, and drawings are good ways to document the crime scene. The sketch or diagram of the crime scene establishes a permanent record of items, conditions, and distance/size relationships; for example, the sketch may depict the location of a weapon to the victim, or the location of droplets of blood to the victim. Sketches and diagrams offer an ideal supplement to photographs.

A rough sketch drawn at the scene is normally not drawn to scale and is used as a model for a finished sketch. In general, the following should be included on the rough sketch:

- Specific location
- Date
- Time
- Case identifier
- Preparer
- Weather conditions
- Lighting conditions
- Scale or scale disclaimer
- Compass orientation
- Evidence
- Measurements
- Key or legend

In some cases, number designations on the sketch can be coordinated with the same number designations depicted on the evidence log. The general progression of the crime

MOCK CONSENT TO SEARCH FORM

CONSENT FORM

I, _____, the _____

(Person giving consent) (Owner, tenant, manager, etc.)

Of the _____ located in _____

(Residence, business, vehicle, etc.) (City)

At _____ do and voluntarily give my consent to _____

(Name of official)

Of the _____ and any other investigator or law enforcement

(Name of agency)

officer participating in the investigation of the police incident, to search the property described above and the surrounding areas of the premises, including any structures or vehicle situated on or adjacent to the property, to examine and remove any evidence to the crime which occurred on or about _____

(Date and Time of Crime)

This written permission is being given by me to the above named personnel. I further authorize these persons to inspect and remove any item of evidence, which may be related, directly or indirectly.

_____

Signature

WITNESSES

_____ DATE _____ TIME _____

_____

PRACTICE HINTS

INITIAL ASSESSMENT OF CRIME SCENE

- Evaluate safety issues that may affect all personnel entering the scene(s) (e.g., blood-borne pathogens, hazards).
- Evaluate search and seizure issues to determine the necessity of obtaining consent to search and/or a search warrant.
- Evaluate and establish a path of entry/exit to the scene to be utilized by authorized personnel.
- Evaluate initial scene boundaries.
- Determine the number/size of scene(s) and prioritize.
- Establish a secure area within close proximity to the scene(s) for the purpose of consultation and equipment staging.
- If multiple scenes exist, establish and maintain communication with personnel at those locations.
- Establish a secure area for temporary evidence storage in accordance with rules of evidence/chain of custody.
- Determine and request additional investigative resources as required (e.g., personnel/specialized units, legal consultation/prosecutors, equipment).
- Ensure continued scene integrity (e.g., document entry/exit of authorized personnel, prevent unauthorized access to the scene).
- Ensure that witnesses to the incident are identified and separated (e.g., obtain valid ID).
- Ensure the surrounding area is canvassed and the results are documented.
- Ensure preliminary documentation/photography of the scene, injured persons, and vehicles.

Source: National Institute of Justice. (2000). *Crime scene investigation: A guide for law enforcement.* Washington, DC: U.S. Department of Justice, pp. 3–4.

scene sketch should lay out basic perimeter, depict the location of fixed objects such as furniture, record the position of evidence, record appropriate measurements, and set forth a key or legend and compass orientation.

During the initial walk-through, it is important to delineate which areas will be searched, paying special attention to potential problem areas. Transient physical evidence should be identified and protected. A determination should be made about personnel and equipment needs. Furthermore, specific assignments should be made of police personnel. It cannot be overemphasized the importance of taking extensive notes to document the scene, physical and environmental conditions, and personnel movements.

▶ Photographing the Scene

The aim of photographing the crime scene is to capture the most useful amount of detail possible. When photographing evidence, or for that matter any part of the crime scene, there are generally three types of crime scene photos: overall or long-range photographs, mid-range photographs, and close-up photographs. This protocol of photographs enables the viewer to gain a clear concept of where each object or area interrelates to another. It is important that police officers know that in order for crime scene photographs to be admissible in a court, they must be material, relevant, accurate, free of distortion, and non-inflammatory.

The perpetrator's point of entry and the point of exit should be photographed in the same manner (i.e., overall, mid-range, close-up). Likewise, the point of entry and exit should be shown in such a manner that the marks of force will be shown clearly. A scale may also be used and depicted in the photograph. Overall photos of a residence should depict the house numbers.

This same procedure should be followed in both property and person's crimes; for example, if photographs of an assault victim are taken, an overall photo should be taken, a mid-range photograph of the injury or trauma, and then a close-up photograph should be taken of the same. In some cases, aerial photographs of a crime scene may be helpful, especially if the scene is located in a rural area. In crimes such as a rape–homicide, infrared ultraviolet photography of the body may detect latent bite marks, since hemorrhaging can occur in tissue under the skin. The location of foreign hairs and fibers, biological fluids, and stains can also be depicted.

Overall Photographs

Overall (long-range) photographs taken with a wide-angle lens (28–35 mm range) capture the scene as it is. This type of image provides anyone who has not been present at the scene a good overall layout. Overall photographs should be taken from all angles or directions of the crime scene; this is very important in order to show what is surrounding the residence. Overall photos consist of overall photo shots of the scene, including overall room shots if the crime was committed inside a residence or other structure. At a burglary scene, long-range photo shots can assist in answering several questions, such as whether the residence is secluded in a rural area or in a residential area, and whether there are fences or gates on the property where the crime occurred, along with other landmarks.

Mid-Range Photographs

Mid-range photographs are usually taken with a normal lens (45–55 mm range). The purpose of the mid-range photographs is to give greater detail than given in the overall shots. In the case of a bloodletting scene, the mid-range image could capture a single bloodstain pattern. The key concept to mid-range photos is to tie together all evidence in the crime

PRACTICE HINTS

PHOTOGRAPHING THE CRIME SCENE

- Photograph the crime scene as soon as possible.
- Prepare a photographic log that records all photographs and a description and location of evidence.
- Establish a progression of overall, medium, and close-up views of the crime scene.
- Photograph from eye level to represent the normal view.
- Photograph the most fragile areas of the crime scene first.
- Photograph all stages of the crime scene investigation, including discoveries.
- Photograph the condition of evidence before recovery.
- Photograph the evidence in detail and include a scale, the photographer's name, and the date.
- Take all photographs intended for examination purposes with a scale. When a scale is used, first take a photograph without the scale.
- Photograph the interior crime scene in an overlapping series using a normal lens, if possible. Overall photographs may be taken using a wide-angle lens.
- Photograph the exterior crime scene, establishing the location of the scene by a series of overall photographs including a landmark.
- Photograph entrances and exits from the inside and the outside.
- Photograph important evidence twice.
- A medium-distance photograph that shows the evidence and its position to other evidence should be taken.
- A close-up photograph that includes a scale and fills the frame should be taken.

scene. This range of photograph is also useful to show tools used in the burglary in relation to the item(s) they were used on, to depict windows that were broken, and to show the pattern of broken glass that was left by the suspect(s).

Close-Up Photographs

Close-up images taken with a macro lens give the greatest amount of detail. When photographing bloodstains, a medium velocity impact pattern can contain thousands of individual stains that require individual images. Close-up photography allows you to establish the magnification rate and size of items at the crime scene, and shows the specific details of the evidence at the scene. This can assist the investigator in writing a more accurate report, and will assist in remembering the case at some future time.

▶ Crime Scene Search

The purpose of the crime scene search is to obtain physical evidence that is useful in establishing that an offense has been committed, identifying the method of operation employed by the perpetrator, reducing the number of suspects, identifying the number of suspects, and identifying the perpetrator (Swanson, Chamelin, & Territo, 1996, 55). *Physical evidence* is any object that can establish that a crime has been committed, or any object that can link a suspect to a crime, or can provide a link between the victim and a crime. In a trial, evidence in the form of all or part of a physical object is intended to prove a fact. Suppose that the victim is shot with a semi-automatic handgun that is later recovered. The handgun is physical evidence. Physical evidence can also be classified as imprints or compressions, such as footwear patterns, tire tracks, tool marks, scratches, and bite marks. Physical evidence may also be in the form of trace material, such as paints and other deposits, hair and other fibers, pollens, glass, and polymers.

Crime scene commanders should discuss the search with involved police personnel before initiating the crime scene search. In major or complicated searches, it may be necessary to establish a command post for communication and decision making. Personnel involved in the search should be aware of the types of evidence usually encountered and the proper handling of the evidence. If possible, preliminary personnel assignments should be made before arriving at the scene. Officers assigned to the crime scene search should not be tasked with an assignment that is beyond their aptitude, training, and experience.

There are several types of crime scene search patterns that may be used and will vary depending on the nature of the crime scene and type of terrain. The method used to search a crime scene where the victim was murdered inside of a house will differ significantly than if the victim was taken to a rural area and murdered in a field. It is always best to define the limits of the search in very broad terms.

Strip Method

The *strip method* search pattern requires that the area be blocked out in the form of a rectangle. Search team members then proceed at the same pace along paths parallel to one side of the rectangle. When evidence is discovered, the person who discovers the evidence announces the discovery and the search is halted until the evidence is collected. Prior to collecting the evidence, a photograph may be taken of the discovery and an investigator who has been assigned to collect the evidence may be called to collect the evidence. After the evidence is collected the search is continued. Once the searchers reach the end of the rectangle, they turn around and begin to walk back along new lanes or paths (Figure 5-1).

Grid Method

The *grid method* search pattern is a modification of the strip method. A grid search is simply two parallel searches, offset by 90°, performed one after the other. The grid search method requires that the area be searched along horizontal and vertical lines of a grid (Figure 5-2).

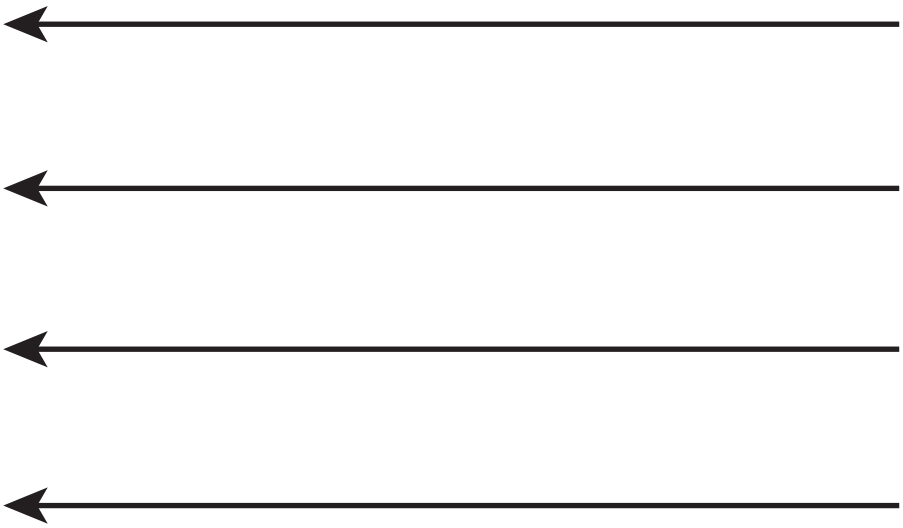

FIGURE 5-1 Diagram of a Strip Search of a Crime Scene
A strip search of a crime scene is often used to search large areas. Each searcher travels at a fixed distance and all travel in the same direction.

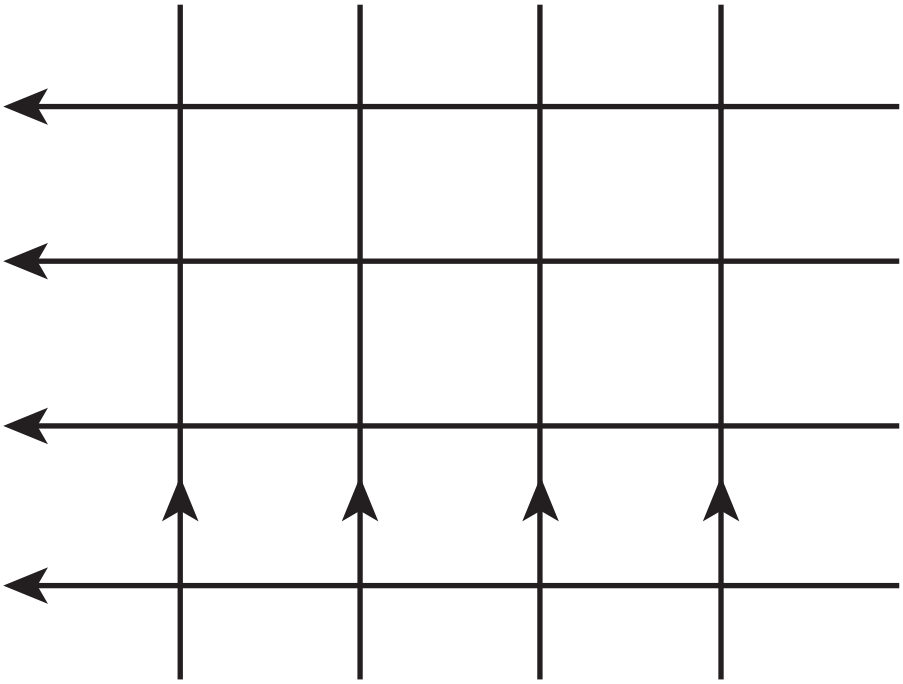

FIGURE 5-2 Diagram of a Grid Search of a Crime Scene
A grid search of a crime scene is similar to a strip search, but after completing the search in one direction, the area is then re-searched at a 90° angle.

Zone Method

The *zone method* search pattern requires the crime scene be divided into zones or quadrants for individual searching. Depending on the size of the area, zone quadrants may be cut into another set of zone quadrants. The zone search method is ideal to use in an indoor crime scene because these scenes typically comprise readily definable zones (Figure 5-3).

Spiral Method

The *spiral method* search pattern is where the collection of evidence is carried out in a circular pattern working toward a fixed point at the center. There are two methods used in conducting the spiral method, the outward search and the inward search. In the outward spiral method, investigators follow each other in the path of a spiral, beginning on the outside and spiraling in toward the center. In the inward spiral method, the investigators start in the center of the search area and proceed in circling around in an outward motion. The spiral method is generally used for special conditions of the search. There is always the possibility that when using the inward spiral method evidence could be destroyed as investigators walk toward the center to begin the search (Figure 5-4).

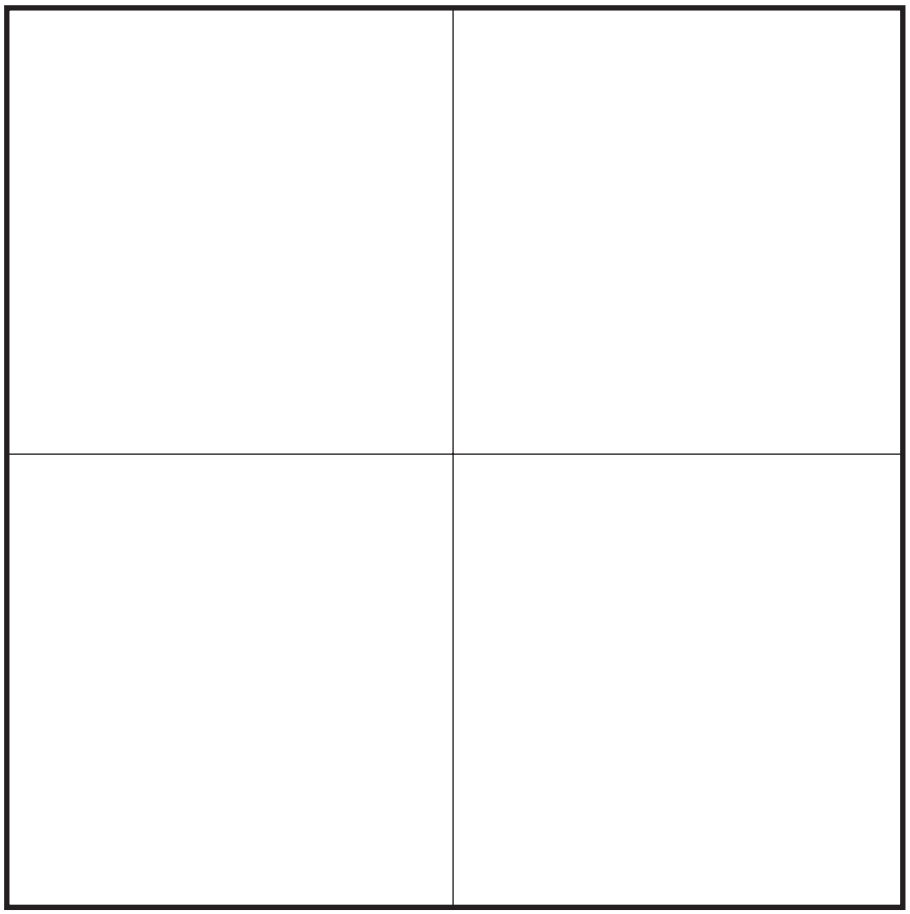

FIGURE 5-3 Diagram of a Zone Search of a Crime Scene
In a zone search of a crime scene the area is divided into smaller sectors. The scene depicted was divided into four quadrants, but if necessary could be subdivided into 16 areas.

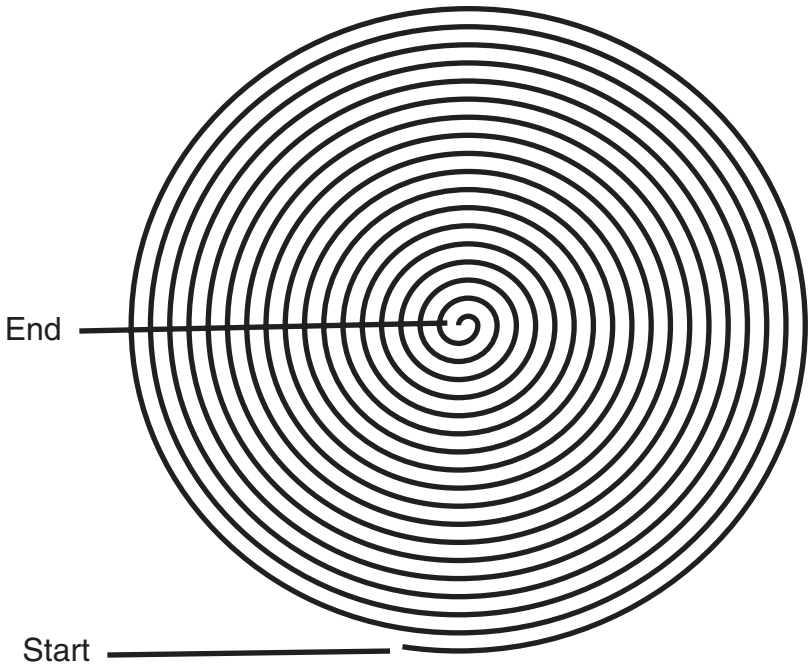

FIGURE 5-4 Diagram of a Spiral Search of a Crime Scene
The spiral method of searching a crime scene usually involves a single searcher who walks in a slightly decreasing, less-than-concentric circle from the outermost boundary toward the center of the search area.

Wheel Method

The *wheel method* search pattern is similar to the spiral method. In the wheel method, the search area is considered to be essentially circular. The search team gathers at the center of the circle and proceeds outward along the radii. This search method may have to be repeated several times depending on the size of the circle. The wheel search method does have a few limitations. One limitation is the large increase of relative area to be observed as the investigator departs from the center (O'Hara & O'Hara, 2003). The wheel method is also difficult when searching larger areas, and is usually used for smaller crime scenes.

▶ The Nature of Evidence

All physical evidence must be examined and closely evaluated for information that may assist in the identification of the suspect. The proper collection of physical evidence is required to confirm or disprove reasonable lines of inquiry in order to determine the causes of incidents. Physical evidence can prove a fact in issue based on its demonstrable physical characteristics, and it can conceivably include all or part of any object. In a murder case, the physical evidence includes the body itself, the weapon used to commit the crime, pieces of carpet spattered with blood, and casts of footprints or tire prints found at the scene of the crime. The police have to satisfy legal standards pertaining to the collection

and preservation of crime scene physical evidence. According to Fox and Cunningham (1985, 14), in order to satisfy legal requirements, the investigator(s) must be able to:

1. Identify each piece of evidence, even years after it was collected.
2. Describe the location and condition of the item at the time it was collected.
3. Assist in establishing that, from the time of its collection until presentation in court, the evidence was continuously in proper custody.
4. Assist in describing any changes that may have occurred in the evidence between the time of collection and the subsequent introduction as evidence in court.

Prior to the search for evidence being initiated, the investigators should ensure that:

1. The crime scene has been properly secured and contained.
2. An on-duty prosecutor has been called and briefed (if it is a major crime scene).
3. A search warrant (if applicable) has been obtained for the premise (crime scene to be searched).
4. Search personnel have been briefed about the crime scene and the nature of evidence that is likely to be discovered. Search personnel should also be briefed as to the type of search technique that will be used. In cases where bodily fluids or other biological evidence may be collected, search personnel should wear proper protective clothing.
5. An initial walk-through, video recording, and sketch have been made of the entire crime scene.
6. Sufficient evidence packaging material is on hand.
7. Specific personnel have been designated evidence collectors. When search members find some evidence, they should summon the designated evidence collector, at which time the evidence will be photographed, documented, and collected. Having a specific person designated as evidence collector reduces the **chain of custody** of the evidence. The chain of custody is a concept in jurisprudence that applies to the handling of evidence and its integrity. In other words, it is a process that tracks the movement of evidence through its collection, safeguarding, and analysis lifecycle, by documenting each person who handled the evidence, the date and time it was collected or transferred, and the purpose for the transfer.

chain of custody
A chronological record of those individuals who have had custody of the evidence from its initial acquisition until its final disposition.

In the following sections, techniques for collecting some of the more common evidence that police officers encounter at a variety of crime scenes are discussed. When in doubt about how to properly collect a piece of evidence, call someone who knows, and don't attempt to guess at how to collect the evidence. One wrong guess could destroy or contaminate a crucial piece of evidence that is needed to successfully connect a suspect to the crime.

▶ Types of Evidence

The proper collection, preservation, and storage of evidence are imperative if the evidence is to be useful when it is tested and presented in court. The property and evidence unit within the police agency has the responsibility to safely store all items that are properly packaged and marked. The responsibility to properly package and mark the evidence falls completely on the officer that collects the evidence.

Evidence is a piece of information that supports a conclusion. As noted previously, it can consist of an object, such as a gun used to commit the crime, or it can be someone's observations (what they heard or saw). In the following section we place most of our

VOICES OF EXPERIENCE

THE CAPTURE AND PROSECUTION OF SERIAL KILLER AND RAPIST JOSEPH PATRICK WASHINGTON

Excerpts from an interview between Cliff Roberson and former police officer, John L. Padgett, presently a lead faculty at the Institution of Justice, Westwood College, Colorado.

Q: How did the identification and capture of serial killer Joseph Patrick Washington occur?

A: We had been looking for the individual for over two years. At the time the police thought they had two different serial offenders in the Augusta, Georgia area, a serial killer and a serial rapist, because of the different MOs. The serial killer's victims were female drug users who came from the southern tip of the city. The victims were all found dead along a remote road. The victims' bodies were nude with multiple cuts and abrasions. More often than not, there would be two gunshot wounds, one to an appendage and one to the head. The only evidence that would link a subject to the victims was a vehicle with a broken taillight with a round symbol near the center of the taillight.

The police knew that the serial rapist was targeting prostitutes near the center of town. The rapist would entice the girls into his car, take them to a remote location, rape them, and then throw them out of the car. He would then stand above the victims and shoot them with a small caliber handgun. The only description the police had of his vehicle was that it had no knob on the gear shift lever and a broken cell phone antenna on the rear window.

At the time, we were working a "power shift," which means that the oncoming detail would start work an hour before the other shift went off duty. During that hour the oncoming detail would target highly visible troubled areas within the city. My partner and I would review the case and determine what we wanted to focus on during that power shift. We were assigned to the midnight shift. I had my officers set up roadblocks within two miles of the crime scenes looking for a vehicle with a broken taillight and a round center emblem.

After several weeks of negative results, I decided to go back to the basics. I obtained from the city manager a detailed map of the city and plotted the last known areas that each of the victims had been seen in before their deaths. I then went to the neighborhood one night and parked. I noticed a female walking alone down the street. I stopped her and identified myself. I asked her what she knew about the man who was hurting all the girls from the neighborhood. She looked down and hesitated and then stated that she had been with him last night—that they had gone to a local motel. When they entered the room she became afraid of him and ran away. She provided the name he used when he registered at the motel and his car tags. She described the vehicle as having no knob on the gear shift lever, a broken cell phone antenna, and a broken taillight with a round center emblem. It was later discovered that he used the same motel for each of his crimes. He would trade drugs for sex, and then force the victims to go to the remote location, strip them nude, and then chase and kill them.

With the information from the young girl and the motel operator, the police arrested Washington at his home. Washington's car had a broken taillight with a center emblem, missing gear shift knob, and a broken cell phone antenna. Washington was convicted of five of the crimes and received a combined prison sentence in excess of 700 years.

Note: Washington died in prison after serving less than three years. According to court records, Washington forced the women into his car at gunpoint, drove to a remote location, shot them, and then raped them, prosecutors said at his 1995 trial. One witness testified that Washington had said he wanted to infect as many women as he could because his former girlfriend had given him HIV.

Source: Used with the permission of John L. Padgett, Lead Faculty at the Institution of Justice, Westwood College, Colorado.

emphasis on evidence as a physical object—something you can see and touch. Perhaps the analogy of a jigsaw puzzle is appropriate to describe crime scene evidence. Like a jigsaw puzzle, the crime scene contains pieces of evidence that help to piece together the crime. Every piece of evidence is an important piece of the puzzle, no matter how small.

Class and Individual Characteristics

Evidence is typically considered to have class characteristics or individual characteristics. **Class characteristics** are traits or characteristics of evidence that cannot be traced back to a particular individual. (Class characteristics are those characteristics that are common to a group of similar objects.) For example, suppose you purchase a pair of New Balance model 767 running shoes. All New Balance model 767 running shoes have the same shape and same tread design. These are considered class characteristics. Other examples of evidence with class characteristics may include size, color, manufacturing patterns, or taxonomic classification (Gardner, 2005). Glass fragments that are too small to be matched to broken edges and tool marks are also examples of class characteristics (Swanson, Chamelin, & Territo, 1996).

class characteristics Evidence that has characteristics that are common to a group of similar objects. Examples of evidence with class characteristics include soil, glass, and paint.

Individual characteristics are those characteristics that are unique to a given object and set it apart from similar objects. Individual characteristics allow for the comparison of the evidence to a specific person. Put another way, evidence with individual characteristics can be identified as originating from a particular person; for example, suppose for the past four months you complete your daily three-mile run wearing your New Balance model 767 running shoes. Over the four months your shoes begin to show wear. The treads begin to wear down and they begin to develop pits, marks, and gouges. These pits, marks, and gouges are individual to your shoes, since no one has walked over the exact same surfaces in the exact same way as you have in your New Balance running shoes. Other examples of individual characteristics may include, but are not limited to, fingerprints, palm prints, and footprints. No two fingerprints, palm prints, or footprints are the same.

individual characteristics Evidence that has characteristics that are unique to a given object and set it apart from similar objects. Examples of evidence with individual characteristics include fingerprints, palm prints, and footprints.

Associative Evidence

Associative evidence is any evidence that can direct a suspect to a crime (Horswell & Fowler, 2004); for example, hair is associative evidence. Because hairs can be transferred during physical contact, their presence can associate a suspect to a victim or a suspect/victim to a crime scene. The types of hair recovered and the condition and number of hairs found all impact on their value as evidence in a criminal investigation. Comparison of the microscopic characteristics of questioned hairs to known hair samples helps determine whether a transfer may have occurred.

associative evidence Any evidence that can link a suspect to a crime.

Tracing Evidence

Every person physically involved in a crime leaves some trace of his or her presence behind at the crime scene. Recall in the BTK strangler example discussed previously that the killer was known to leave semen at the scene of the crime. This is called **tracing evidence**. No matter how much the suspect tries to clean up a crime scene, something is generally left behind. It may not always be detected, but it's difficult to take any kind of violent action without shedding something. Trace evidence, though often insufficient on its own to make a case, may corroborate other evidence or even prompt a confession.

tracing evidence Evidence that results from the transfer of small quantities of materials. Tracing evidence is usually in the form of small particles and includes such items as hair, paint, glass, and fibers.

Testimonial Evidence

Testimonial evidence is evidence obtained from individuals who are generally witnesses, survivors, or any other person at the scene who has knowledge of the crime; for example, a witness related to a police officer that the suspect of a crime was observed wearing a red shirt with vertical blue stripes. The description of the suspect's clothing is testimonial evidence.

testimonial evidence Evidence that may be presented by witnesses at a trial or other type of hearing. Generally, testimonial evidence is given by a witness to the crime or by an expert.

Fingerprint Evidence

fingerprint evidence Fingerprints collected at a crime scene or on items of evidence from a crime scene. Fingerprint evidence can assist in identifying the perpetrator of a crime.

Fingerprint evidence is one of the most common types of evidence that the investigator will collect from the crime scene. Fingerprints collected at a crime scene, or on items of evidence from a crime scene, can be used in forensic science to identify suspects, victims, and other persons who touched a surface; however, the usefulness of fingerprints before any suspect is identified depends on two things: (1) the likelihood that the offender has prints on file (i.e., the likelihood of prior arrest in the jurisdiction), and (2) the investigator's ability to search the files rapidly (Williams, 2003).

Fingerprints provide an extremely reliable means of identification. The system is based on the fact that no two individuals have the same fingerprints. Fingerprints are covered by minute ridges frequently interrupted by endings or forks that are known as characteristics. Each person has a uniquely different distribution of characteristics that develop in the womb and persist throughout life. They even remain unchanged some time after death, making the recognition of corpses possible. Fingerprint evidence found at a crime scene constitutes latent, plastic, or visible fingerprints.

Latent fingerprints are impressions produced by the friction ridge skin on human fingers, palms, and soles of the feet. Latent fingerprints are caused by natural oils and perspiration between your fingerprint ridges being transferred to the surfaces that are touched, leaving invisible fingerprints. Latent literally means "invisible"; thus, latent fingerprints are the hardest to find because they cannot be seen by the naked eye.

In order to see latent fingerprints, they have to be made visible by exposing them, and depending on the surface, different methods will be used. The most common method for latent fingerprint processing is using fingerprint powder and a soft brush. Fingerprint powder is an effective technique that has a long history of use in crime scene investigation. It comes in dark or light colors so that, depending on the color of the surface, the powder gives the best contrast. In some cases, fluorescent powders can be used so that the print can be viewed under ultraviolet light. Once developed, the fingerprints can be photographed and lifted with tape. Hard, nonporous and glass-like surfaces offer the best possibility to lift an identifiable set of latent fingerprints (Saferstein, 1995).

Plastic fingerprints are produced when the friction ridge on the finger, palm, or sole comes into contact with a softer surface and makes a three-dimensional impression into the receiving surface. Imagine pressing your finger against a bar of soap or a piece of wax; this results in a plastic fingerprint. Plastic fingerprints are visible to the naked eye.

Visible prints generally result when friction ridges are coated with material that is transferred to another surface, leaving the outline or impression of the friction ridge visible; for example, a burglar cuts his hand while breaking into a house and subsequently leaves a bloody fingerprint on the back door of the residence. Visual prints usually do not need to be dusted and may only need to be enhanced. Visible prints should be photographed, and the object with the visible print should be packaged and collected. If the object cannot be collected, then the photograph will become the evidence (Lee, Palmbach, & Miller, 2001).

Most fingerprints submitted will be on paper, glass, metal, or other smooth-surfaced objects. When the investigator finds it necessary to pick up articles containing latent prints, he or she should touch as little as possible, and then only the areas least likely to contain identifiable latent prints, such as rough surfaces. While gloves or handkerchiefs may be used to pick up such exhibits, any unnecessary contact should be avoided. Although using a cloth to pick up exhibits prevents leaving additional prints on the articles, the cloth may wipe off or smear any prints originally present, unless great care is taken.

Large articles containing latent fingerprints, such as glass, metal, and firearms, should be placed on wood or heavy cardboard and fastened down with string to prevent shifting and contact with other objects in transit. Bottles and glasses that have been collected as evidence may be placed vertically on a board and placed in the bottom of a box. The base

PRACTICE HINTS

HANDLING FINGERPRINT EVIDENCE

- Evidence should be submitted for latent print examination as soon as possible after its discovery.
- The primary concern in all cases is the prevention of adding prints to evidence, or of destroying those already present.
- All pieces of evidence submitted should be packaged in such a way as to eliminate or minimize the surfaces of the article from contacting the packaging material.
- Protect latent print evidence from careless and improper handling and packaging that may damage any latent prints that may be present and render them useless.

of the bottle or glass can be surrounded with nails to hold it in place, and the top can be either inserted through a hole in a piece of cardboard or held in position with a wooden board nailed to the container's lid.

Papers and documents containing latent fingerprints should be placed individually in cellophane or a manila envelope. Such a container can be sandwiched between two sheets of stiff cardboard, wrapped, and placed in a box for mailing. All such evidence should be marked in some distinctive manner, as is the case with any other type of physical evidence. Precautions should be taken when marking evidence not to damage or destroy potential latent fingerprints. Lifted, developed latent prints should also be marked or sealed in marked envelopes.

Soft and porous surfaces such as paper can't be dusted for fingerprints, so the most common method used is iodine fuming. This is a procedure where the surface of the paper is placed in an enclosed space with iodine crystals, which are then heated up. The vapor from the crystals sticks to the oily fingerprints and allows them to become visible.

There are several other types of fingerprint lifting procedures that are beyond the purpose of this book text, including ninhydrin spray, tetramethylbenzidine, and cyanoacrylate (super glue) techniques.

Bloodstains

When handling blood or other biological evidence, the investigator should wear latex gloves and clothing that protects against infectious deceases. Police officers investigating crime scenes where there is blood and/or other bodily fluids present must be aware of the risk of exposure to blood-borne pathogens, including Hepatitis B, Hepatitis C, and HIV/AIDS. Wearing gloves and protective clothing will prevent against the contamination of evidence from fingerprint oil or other biological residue that may be present on the human hand.

Blood that is in liquid pools should be picked up on a gauze pad or other clean sterile cotton cloth and allowed to air dry thoroughly at room temperature before packaging. It should be refrigerated or frozen and taken to the laboratory as quickly as possible. Delays beyond 48 hours may make the samples useless. If close to the laboratory, deliver the stained object immediately. Again, if unable to deliver to the laboratory, or if the object must be mailed, allow the stain to air dry completely before packaging.

It is important that bloodstained evidence not be heated or placed in bright sunlight to dry. Hang clothing and similar articles in a room where there is adequate ventilation. If not completely dry, label and roll in paper or place in a brown paper bag or box and seal and label the container. Place only one item in each container. The container should not be plastic.

For dried bloodstain evidence on clothing, if possible, these items should be wrapped in clean paper and placed in a brown paper bag or box then sealed, labeled, and placed in a packaging container. For small solid objects, send the whole stained object to the laboratory, after labeling and packaging. For large solid objects, cover the stained area with clean paper and seal the edges down with tape to prevent loss or contamination. If material containing wet bloodstains is tightly packaged, the blood will undergo serious and foul-smelling decomposition. In some cases it may be impractical to deliver the whole object to the laboratory. If this is the case, scrape the stain onto a clean piece of paper, which can be folded and placed in an envelope. It is important not to scrape directly into the evidence envelope. Scrape blood from objects using a freshly washed and dried knife or similar tool. Wash and dry the tool before each stain is scraped off. Seal and mark the envelope. Never attempt to wipe dried stains from an object using a moistened cloth or paper because this will diminish the value of the evidence. The officer should document the exact procedure used in packaging bloodstained evidence because this assuredly will be a focus of defense attorneys if the case reaches trial.

Saliva, Seminal Stains, and Sexual Assault Evidence

Saliva evidence is not found that often at the scene of a crime. If it is found, however, saliva should be collected on a sterile gauze pad or swabs, and allowed to air dry before being packaged. It should then be packaged in paper (plastic containers should not be used) and sent to the lab.

Seminal stains are often, but not always, found on clothing, blankets, and sheets. Allow these stains to air dry, and then wrap in paper and package in paper bags. Do not use plastic bags for packaging seminal evidence. For sex offense cases, the victim should always be examined by a physician. A sexual assault evidence collection kit should be used to collect evidence from the victim. Medical personnel will perform the sexual assault examination at the hospital or medical facility. The rape kit will be turned over to police after the exam. The rape kit usually includes such items as the rape exam report, clothing, pubic combings, head hair combings, swabs of oral specimen, swabs of vaginal specimen, swabs of rectal specimen, fingernail scrapings, and blood samples.

It is very important that the instructions on the kit be followed with care in order to gain the greatest benefit from the collected evidence. All garments such as under shorts, panties, or other items should be labeled and packaged separately. If a shirt and panties are collected as evidence from the victim, they should be marked and packaged each as a separate piece of evidence. If these items are damp or wet from seminal stains, they should be air-dried completely prior to packaging.

Hair Evidence

An examination of human hair can occasionally reveal the race of the individual from whom it came and the part of the body from which it originated. Human hair can be compared to determine whether or not two samples could have a common origin. The value of the laboratory examinations of such specimens will depend upon the amount of hair recovered and the characteristics found in the examinations.

All hair present at a crime scene should be recovered. If possible, use tweezers or forceps to pick up hair, placing the hair in paper bindles or coin envelopes, which should then be folded and sealed in larger envelopes. The outer sealed envelope should be properly labeled. If hair is attached, such as in dry blood, or caught in metal or a crack of glass, the officer should not attempt to remove it, but rather leave hair intact on the object. If the object is small, mark it, wrap it, and seal it in an envelope. If the object is large, wrap the area containing the hair in paper to prevent loss of hairs during shipment.

As discussed previously, in rape cases, the victim's pubic region should be combed prior to collecting known standards. Collecting standards entails obtaining known hair samples from the victim, suspect, or any other possible sources for comparison with unknown specimens. The recommended method for collecting head hairs is to start by having the person from whom they are being collected bend over a large sheet of clean paper. The person should then rub or massage the head so that loose hair will fall out on the paper. More should then be gathered by plucking them from representative areas all over the head. A total of 50–100 hairs are desired. It is important not to cut the hair. This same method may be used to collect hairs from other parts of the body. Thirty to 60 pubic hairs are required. When the person is a suspect, hair should be gathered from all parts of the body even though there may only be an interest in hair from the head at that particular time.

Glass

Windows are frequently broken in burglaries, headlights are broken in hit-and-run cases, and bottles or other objects may break or leave fragments on personal belongings of suspects involved in various crimes. In cases where a suspect has been apprehended shortly after the crime was committed, and where broken glass may be contained on the suspect, the suspect's shoes and clothing or other objects contaminated with glass should be wrapped in paper and submitted to the laboratory for examination.

Glass found at hit-and-run scenes should be recovered. The search should not be limited to the point of impact, because headlight glass may be dropped off at some distance away as the vehicle leaves the crime scene. Glass from different locations should be kept in different containers. All glass should be collected because more than one type may be present. In addition, if just a few representative samples are saved, individual pieces that could be physically matched with glass remaining in the headlight shell of the suspected vehicle may be overlooked.

Small glass fragments should be placed in paper bindles, then placed in coin envelopes, pill boxes, or film cans that can be marked and completely sealed. Large glass fragments should be placed in boxes. Separate individual pieces of glass with cotton or tissue to prevent breakage and damaged edges during shipment. Seal and mark the box containing them.

Paint

Paint evidence is frequently encountered in a variety of crime scenes, including hit-and-run cases, on tools used by burglars, and occasionally in other types of cases. In the case of a hit-and-run, paint may be transferred to the clothing of the victim. In this case, it is important that a careful examination be conducted on all areas of clothing, with particular attention being paid to areas showing pressure glaze, tears, or other contact. If paint is located, do not remove the paint, but mark the garment, carefully wrap it by rolling it in paper, and send it to the laboratory.

Paint evidence can identify the color of the suspect's vehicle in a hit-and-run case; however, it must be remembered that many modern cars have more than one color and the paint transferred only represents the color of the particular area on the car that made contact with the victim. Rarely will an examination of paint transfer on clothing indicate the make and model of the vehicle involved, because only portions of the top oxidized layer on the cars are usually transferred. In addition, many vehicles are repainted using colors and types of paint that may be different from those specified by the automobile manufacturer. The color and type of paint selected by the car owner for repainting the vehicle may also be the same as that used by a different automobile manufacturer, which could cause confusion in the search for the responsible car.

Sometimes whole chips of paint will be transferred to the clothing. If these chips contain several layers, and in particular if they come from a repainted car, such evidence may

have great value when the responsible vehicle is located. Chips of paint may also be found on the ground near the point of impact in some cases.

Samples for comparison should be collected from all areas showing fresh damage on suspected vehicles. This is very important because the paint may be different in type or composition in different areas, even if the color is the same. If the paint can be flaked off by bending the metal slightly, remove it in this manner. If not, scrape or chip the paint off, using a clean knife blade. Carefully wipe the blade before collecting each sample. Collect all layers down to the metal. Place each sample in a separate container.

Cross transfers of paint commonly occur in hit-and-run cases of two or more vehicles. If loose paint chips are found, attempt to remove and place them in a paper bindle. If the transfers are smeared on the surfaces, flake off chips or scrape paint from the vehicle, including the transferred paint, as well as the top layer of paint originally on the car. Transfers recovered from different areas should be kept in separate containers. Do not place samples directly into envelopes—place them into paper bindles. When cross transfers occur, always collect contaminated samples from each vehicle from areas immediately adjacent to each transfer collected. This is of great importance, because such specimens permit the laboratory to distinguish between the transferred paint and the paint originally present on the vehicle.

Paint evidence can also be present on burglary tools that are used to gain entry into buildings, safes, or other places. Tools often contain traces of paint, as well as other substances, such as plastic. Due care must be taken that such traces are not lost. If such transfers may be present, wrap the end of the tool containing the material in clean paper and seal with tape to prevent loss. No attempt should be made to set the tool into marks or impressions found. If this is done, transfers of paint or material can occur and any traces found later will have no significance as evidence.

Specimens of all paint should be collected from all that which the tools may have come in contact with at the crime scene. These samples should include all layers present. It is important not to destroy the tool mark when collecting the paint. If possible, cut out around the mark, and send it to the laboratory. The tool itself may contain paint or other coatings, tracings of which may be left at the crime scene. A careful search should be made for such matters, particularly in each tool mark.

In order to prevent contamination of paint evidence, it is best to keep all samples collected in separate containers. Small paper bindles can be used to collect and hold many paint samples. A satisfactory method is to tape one side of the bindle to the side of the vehicle, building, or safe just under the area where the sample is to be collected. By holding the bindle open with one hand, and using a clean knife blade, paint can be scraped loose and into the bindle. With the sample in the bindle, scotch tape can be removed and the open end of the bindle folded several times. It can be placed in a coin or mailing envelope, which can be marked and sealed. Scotch tape may be used to seal the bindle, but such containers should never be stapled.

Firearm Evidence

Common sense along with sound police policy dictates that a loaded gun should never be submitted into evidence. Forensic laboratory personnel tend to get upset if a loaded gun ends up in the lab for examination. In some cases it is acceptable to leave unfired cartridges in the magazine of a weapon, provided the magazine is removed from the gun. It is sound policy that a firearm with the cartridge in the chamber should never be shipped by any method, even if the weapon is not cocked or is on safety. The bore or chamber should not be tampered with or cleaned in any manner. Likewise, never attempt to fire the gun before it is examined in the laboratory.

If an officer has to leave a weapon loaded when it is submitted into evidence, the officer who collects the weapon should mark it with several red tags that read: “LOADED

WEAPON." This will alert forensic lab personnel that a loaded weapon has been submitted for processing.

You may have seen Hollywood TV cops picking up a weapon used in a crime by inserting a pencil into the barrel. While this may be entertaining for viewers, Hollywood's method is wrong and should be avoided. Under no circumstance should an officer pick up a weapon by placing a pencil or other object in the end of the barrel. This method could destroy evidence. The weapon should be fully identified. Record serial number, make, model, and caliber of the weapon, and mark it in some manner that does not detract from its value before sending it to the laboratory. Marking firearms is important because duplicate serial numbers are sometimes found on different guns of the same make and general type. Do not confuse model numbers or patent numbers with serial numbers.

Weapons should ideally be placed in a strong cardboard or wooden box and well packed, to prevent shifting during transit. Rifles or shotguns should not be taken apart. If blood or other material, which may pertain to an investigation, is present on the gun, place a clean paper around the gun and seal it with tape to prevent movement of the gun and loss of the sample during shipment.

Bullets and Ammunition

Bullets that have been recovered from a crime scene should not be marked. Wrap recovered bullets in paper and seal in separate labeled pill boxes or envelopes.

Submit all bullets recovered to the laboratory. A conclusive identification may be possible on only one of several bullets recovered even when they all appear to be in good condition. Do not attempt to clean recovered bullets before sending them to the laboratory. Bullets recovered from a body should be air dried and wrapped in paper. Never wash any ammunition that has been collected as evidence. Washing may destroy trace evidence.

Cartridge Cases

Recovered cartridge cases should be wrapped and sealed in separate labeled pill boxes or envelopes. Fired shotgun shells should be marked either on the inside or outside of the paper or plastic portion of the shell. If an examination is required to determine if a shotgun shell or cartridge case was fired by a specific weapon, submit the weapon and all recovered unfired ammunition. All evidence cartridge cases or shotgun shells recovered should be submitted to the laboratory. Some cartridge cases may contain more identifying detail than others. These identifying details will be of particular importance in the investigation. It is important to wrap each cartridge in paper to prevent damaging the breech clock, firing pin, or other markings. Pill boxes or envelopes make excellent containers in which to place wrapped cartridge cases. All containers should be labeled and sealed.

Always attempt to recover unused ammunition for comparison purposes when firearms are obtained as evidence. If not in the weapon itself, subjects often have additional ammunition in their cars, clothing, houses, or other locations. It may be important for test purposes to duplicate exactly the make, type, and age of the ammunition used in the crime. Other ammunition in the suspect's possession may be identical to that fired during the crime.

Unfired ammunition should not be marked individually. The box with the ammunition may be marked without marking every round in the box. In the case of gunpowder stains, submit clothing or other material showing evidence of gunpowder residue or shot holes to the laboratory. The clothing should be carefully wrapped in clean paper and folded as little as possible to prevent dislodging powder particles. Photographs of the pattern will not suffice, as in most instances microscopic examination and chemical tests must be conducted on the exhibits themselves. Each item should be packaged separately.

For gunpowder or shot pattern tests to have significance, it is essential to obtain ammunition identical in make, type, and age to that used at the crime scene. This duplicate ammunition is necessary for firing in the weapon in question to determine the distance of the muzzle of the weapon from the victim or other object at the time the questioned bullet was fired.

Gunshot residue presents a potential problem when collecting this type of evidence. Gunshot residue is extremely fragile evidence and should be collected as soon as possible (preferably within three hours of the discharge of the firearm). Use laboratory-supplied kits if they have been made available. If laboratory kits are disseminated, officers should be diligent and carefully follow the directions. In the case of live subjects, if more than six hours have passed or if the subject has washed his hands, it is unlikely that meaningful results will be obtained. If gunshot residue is present on the victim of a homicide, whenever possible gunshot residue collection should be performed prior to moving the body. If this is not possible, protect the hands by placing paper bags over them.

Tool Marks

Tool marks are encountered most frequently in burglary cases, but can also be found at other types of crime scenes, too. The evidence consists of striations or impressions left by tools on objects at the crime scene and various types of tools found in the possession of suspects. In other cases, it is possible by means of physical and other comparisons to prove that parts of tools left at crime scenes were broken from damaged tools found in the possession of suspects. In many cases, it is possible to identify the specific tool that made the questioned marks by means of a laboratory comparison of tools and marked objects. In some instances, it is also possible to prove that marks of various types on tools were produced by objects they came into contact with at the crime scene.

All areas on recovered tools that contain transferred paint, building material, or other contamination should be wrapped in paper and packaged to prevent the prying blades or cutting edges contacting any other surface or object. Attempts should never be made to fit tools into questioned marks or to make test marks prior to laboratory examination. If done, the questioned mark or tool may be altered and this may make any laboratory examination valueless. In addition, traces of transferred paint or other stains on the tool may be lost, or additional material may be transferred to the tool.

It is always best to submit the whole object containing tool marks to the laboratory instead of just removing the area containing the mark. If this is not possible, carefully photograph and sketch the area containing the mark. Although this photograph will not be sufficient to allow the laboratory to perform a tool mark comparison with the tool, it will assist the laboratory to determine how the mark was made so that test marks can be more easily made.

Casts of tool marks can be made by person(s) who have considerable experience in this work. Poor casts are useless for comparison purposes and some marks will be damaged if improper methods are used. Package the object containing tool marks in a manner so that no alteration or damage will occur during shipment. Small objects should be wrapped with clean paper and placed in envelopes or boxes, while important areas on larger objects can be protected with paper. Whole, large objects should be packed in cartons or crates, if not delivered in person.

Controlled Substances

The laboratory handles the analysis of marijuana, medicinal prepared drugs, and other drugs that may be involved in a criminal case or found in the possession of subjects involved in various crimes. Medicinal prepared drugs are drugs that have therapeutic value; for example, the drug methamphetamine has no medicinal value, while other drugs, like sleep medications, do have medicinal purposes.

PRACTICE HINTS

PACKAGING AND STORAGE OF TRACE EVIDENCE

- Paper bindles are commonly used for storage of trace evidence such as hair, fibers, paint chips, or other minute particles.
- Paper bindles are preferred over plastic containers for trace items that may be moist, carry an electrostatic charge, or require DNA analysis.
- Paper bindles are preferred over envelopes for trace items because they lack manufactured folds, corners, and openings where evidence can be lost.
- Seal a bindle with evidence tape. Never staple the bindle.
- A sealed bindle should be placed inside an envelope or other suitable container.

Each sample of material recovered should be placed in a paper container, which can be sealed and marked. It is important to properly seal loose material, particularly in the case of marijuana. Some drugs, like phencyclidine (PCP), should be packaged in heat-sealed bags.

Medicinal preparations found in prescription boxes or bottles should be left in these containers, which can be sealed and marked. The information on the prescription label may be of assistance to the laboratory. By means of chemical tests, most controlled substances and common drugs can be identified.

Many pills, tablets, and other medicinal preparations are very difficult to analyze and identify unless either large quantities are available for testing, or some clues are present as to the general type of material they contain. In all cases where prescriptions are involved and the drug store and prescription numbers are known, a check of possible container content should be made at the drug store named on the label. With this information, the laboratory will often be able to determine whether or not the contents of the containers are the same as the material described.

While controlled substances can be identified in routine cases, some laboratories may not normally attempt to identify all medicinal preparations that may be encountered in criminal investigations. Unless specific instructions to the contrary are received, such materials are usually tested only for common preparations and their possession may violate the law. All evidence of this nature should be brought to the laboratory in a sealed package.

Narcotics Field Testing

Police officers increasingly have access to narcotics field testing kits. Narcotics field testing kits allow police officers in the field to do a quick test or a presumptive test of suspected illicit drugs seized from a suspect. Narcotics field kits use reagents and can give clues about the identity of drugs. Field testing kits are easy to use and have evolved over the past few years.

The chemical reagents used to test the suspected illicit drugs are housed inside glass ampoules that are located in clear, hard plastic packets. There are usually one or two glass ampoules inside each of the tubes. To perform the test, the officer places a small sample of the drug inside the tube, ensuring that the drug falls to the bottom of the packet. The first ampoule should be broken and then the tube should be shaken to mix it with the drug. The officer then watches for color changes. If there is a second ampoule, follow the directions for the individual test as to the timing of the breakage of the second ampoule. Once the second ampoule is broken, shake the tube again and observe for any color changes. The specific color change will depend on the drug being tested for. A positive color indicator is located on the packet to assist in interpreting the reaction.

PRACTICE HINTS

SUBMISSION OF DRUG EVIDENCE TO THE LAB AT A GLANCE

- The request for analysis should indicate which specimen was in the possession of a specific individual.
- If one bag is used to hold numerous specimens that are the same, the bag should not be given a separate item number.
- Different bags containing a number of specimens found in the same place or on the same person should have the same item number with sequential sub-numbers (e.g., item 1-A, 2-B, 3-C, 4-D, 5-E).
- Submit separate drugs by type. Do not mix specimens with other unlike drugs.
- List what you suspect the drug evidence is (e.g., marijuana, cocaine, methamphetamines).
- List the names of additional suspects involved in the case.
- The officer should keep in mind that for single defendant cases, only one sample from one specimen is usually analyzed.
- For multiple defendant cases, only one sample from one specimen per defendant is usually analyzed.
- Note: If needed for trial, additional samples selected at random and consisting of a representative sampling can be analyzed upon written request.
- If syringes are submitted to the laboratory, they should be conspicuously marked as being a "SYRINGE." The lab in some cases may require that the officer call the lab personally before submitting a syringe. A syringe makes a considerable risk for both the officer who collected it and the laboratory personnel who will analyze it.

Many field tests now come in the spray form, where the officer simply sprays the reagent on the suspected narcotic and waits a few seconds for a color change; for example, Cannabispray is an aerosol-based drug field test kit for the detection and identification of marijuana, hashish, and other related drugs. In a case where the officer believes a substance to be marijuana, the officer simply sprays a small sample of the marijuana with the spray. If the sample turns a reddish purplish color, this would indicate a positive presence of marijuana. Field tests are available for a wide variety of drugs that police officers may come into contact with. It should be remembered that a field test is not a substitute for a test performed in the laboratory by a qualified chemist.

Packaging of Money

It is not uncommon for police officers to come across money that will be collected as evidence. In drug investigations police commonly seize money, or in the case of a robbery some of the stolen cash may be recovered. The evidence custody receipt used by the agency should clearly indicate if the actual money is to be retained on the property or elsewhere. Some agencies may transfer money to the accounting unit if the money is to be held for a long period of time. As a general guide, the following steps should be completed and verified by two officers when dealing with money:

1. **Currency**—Indicate the number of specific bills and then the total dollar amount of these specific bills.
2. **Coin**—Indicate the number of specific coins and then the total dollar amount of these specific coins.
3. **Subtotal**—Indicate the subtotal of the bills and coins.
4. **Total Amount**—Indicate the total dollar amount of the money placed into the currency envelope.
5. **Entered and Sealed by**—Record the name of the officer who completed the counting of the currency.

PRACTICE HINTS

HOW TO PACKAGE AND SUBMIT SELECTED DRUG EVIDENCE AT A GLANCE

Powders

- Sealed clear plastic bags.
- Druggist folds.
- Sealed pill boxes.
- Vials.
- Glassine or foil envelopes.

Tablets and Capsules

- Sealed clear plastic bags or original containers.
- Do not write on tablets or capsules.
- Separate by suspect to include type of drug, appearance, and different locations and package them individually.

Liquids

- Leak-proof containers.
- Refrigerate beverages or any liquids that may spoil.

Vegetation

- Sealed, clear plastic or paper bag.
- Must be air dried prior to placing in sealed bags.
- Submit used bowls only from pipes and package separately.

Plants

- If identification of the actual plant is needed, submit up to four intact plants, otherwise submit dried leaves from plants—use sealed paper bags or cardboard boxes, no plastic should be used.
- All plants should be air dried.
- In some cases, plants may be submitted with stripped leaves if root is missing.
- Intact plant(s), including roots and stems.
- Photograph or video the plants at the scene.
- Remove all loose dirt from roots.

6. **Identification Number**—Record the identification number of the officer who completed the counting of the currency.
7. **Date**—Indicate the date that the currency was counted.
8. **Time**—Indicate the time that the currency was counted.
9. **Seal**—All manufacturer seams and openings must be sealed by tamper-resistant evidence tape.

Handling Contaminated Money

Money contaminated with drug residue, blood, urine, or any other body fluid must be carefully handled. A biohazard bag should be used to package contaminated money. The following steps are recommended when packaging contaminated money:

1. Complete a money inventory sheet. This will vary depending on the agency and police officers should refer to their agency's standard operating procedure.
2. Include the type of contaminant and the denomination of the contaminated bills and/or coins.
3. Place the contaminated money in a biohazard bag.
4. Seal the bag and fold it to fit into a currency envelope.
5. Ensure that the amounts on the currency envelope match the amounts on the money inventory sheet.
6. Place a biohazard sticker on the outside of the currency envelope.

Questioned Documents

All questioned documents involved in a particular investigation should be submitted to the laboratory for examination. This is important because questioned documents are identified by a comparison of similarities, plus an absence of divergences or dissimilarities. In order to make an identification, sufficient handwriting, typewriting, or other evidence must be available on which to base an opinion. This means that all questioned material is needed, as well as sufficient exemplars or known specimens.

It is very important to have sufficient handwriting examples for comparison with the questioned document. One or two signatures on a suspect's driver's license or a draft card, in many cases, do not contain sufficient individual characteristics on which to base a conclusion. In some instances, such an examination may substantiate a suspicion and this should be considered as an investigational lead; however, it is necessary to obtain and examine additional standards to support this suspicion.

Collected specimens that were made in business transactions, such as receipts, promissory notes, credit and employment applications, letters, and fingerprint card signatures are writings that, in most cases, represent the individual's most normal writing. It is significant in many cases that these writings be of the same date as the questioned document. Specimens should be requested from a suspect at the first interview because the suspect may be uncooperative at a later date.

The conditions surrounding the preparation of the questioned document should be duplicated as nearly as possible when the requested exemplars are obtained. If yellow-lined paper and blue ink were used to produce the questioned document, the same or similar color and type of paper and instrument should be used. If the suspect document is a threatening letter and the note is either handwritten or block lettered, the same style should be requested from the writer. Have subjects write their names and addresses several times and brief personal histories. This should be removed and another sheet of paper furnished. Dictate the exact words and numbers that appear on the questioned document. In the case of a check case, the specimens should be taken on blank checks or slips of paper of the appropriate size. It is not possible to determine the number of specimens necessary for identification in any specific case; therefore, about 12 specimens or more should be obtained for each questioned document.

Other Evidence Tips

The nature of the package or container used to secure evidence once it has been collected is governed by the nature of the intended contents. A clean Styrofoam cup may make an excellent temporary container for water-based liquid; however, it would not be advisable to use a Styrofoam cup to store gasoline or some other hazardous liquid materials.

Paper and plastic envelopes, glass and plastic bottles and vials, cardboard pill boxes, and small metal ointment tins may be used to package a very wide variety of evidence. In many cases, the package, in addition to providing protection to the item, must serve as the means of identifying the contents; thus, it should be properly marked so that there can be no later question of what it contains.

The officer collecting evidence should mark the evidence container with name, identification number, date, and time of collection. Because of the divergent types of physical evidence that may be found at a crime scene, it is difficult to give general rules about the means that should be used to identify them; however, one reasonable rule is that any item that is likely to be presented in court, which can be permanently marked without damaging its intrinsic or evidential value, should be marked. Most departmental standard operating procedures specify proper procedures for marking evidence.

Police officers reading this book text are encouraged to check their agency's policy and procedure manual for specific evidence packaging guidelines. While most evidence packaging procedures are fairly uniform, there may be some slight variation between individual police agencies.

▶ Cybercrime

As technology advances in society, so too will the technology that is used to facilitate the commission of crimes. The Internet, computer networks, and automated data systems present an enormous new opportunity for committing criminal activity. Computers and other electronic devices are being used increasingly to commit, enable, or support crimes perpetrated against persons, organizations, or property.

Computer crime, also known as **cybercrime**, e-crime, or electronic crime is committed when a computer is the target of a crime, or the means adopted to commit a crime. Many of the crimes are not new, just the tool (computer) used to commit the crime. There is much evidence that suggests that computer crime is increasing rapidly. Because of the increasing use of computers and other forms of technology in the commission of crimes, law enforcement will increasingly come into contact with electronic evidence. Electronic evidence can be in the form of computers, telephones, digital cameras, pagers, printers, and the like. This section's primary focus is on computer crimes.

cybercrime
Criminal offenses carried out with the use of the computer. Child pornography, theft of a password or user identification, and releasing viruses are examples of cybercrime.

Computer crimes often include the unauthorized use of a computer, which might involve stealing a username and/or password, and creating or releasing a malicious computer program. Releasing computer viruses and computer worms can be disastrous and costly to literally thousands of computer users who might innocently open an email contaminated with the virus or worm. There are many other crimes committed with the use of the computer. These crimes may include using a computer printer and graphics software for forgery or even counterfeiting.

Electronic evidence is information and data of investigative value that is stored on or transmitted by an electronic device. As such, electronic evidence is latent evidence or evidence that cannot be readily seen by the naked eye. In the case of a computer, the inside of the computer that holds the physical evidence cannot be seen.

Law enforcement treatment of electronic evidence is just as critical as when collecting and documenting other types of evidence. It is not uncommon for officers to encounter electronic devices during their day-to-day duties. In some cases, investigators may wish to direct the collection of electronic evidence, or they may perform the collection themselves. Handling electronic evidence at the crime scene normally consists of the following steps:

- Recognition and identification of the evidence
- Documentation of the crime scene
- Collection and preservation of the evidence
- Packaging and transportation of the evidence (National Institute of Justice, 2001)

Because police officers increasingly may be called to take a cybercrime reports, it is important that they be familiar with the nature of cybercrime evidence. First and foremost, it should be recognized that in cybercrime cases computers represent a repository of evidence. According to the FBI, there are generally two types of evidence that pertain to computers, universal and case specific. Universal evidence involves digital evidence, such as chat logs, email, Internet browsing (e.g., favorites, temporary files, activity logs, and history), financial records, photos, my documents, and general registry information.

Case-specific evidence covers a broad range of cyber evidence; for example, case-specific evidence in child exploitation and child pornography investigations may include file sharing programs, news group links, photo editing software, screen names, and web-cam recordings. Case-specific evidence in cyber terrorism may include encryption software, Internet links or programs that make the user anonymous, proprietary programs, and system configuration logs. In homicide investigations it may include, identification of accomplices, Internet research about the victim and/or activities and similar crimes. In narcotics investigations case-specific evidence may include price lists, email, and spreadsheets. In a financial or counterfeiting investigation case-specific evidence includes check making software, credit card numbers, customer databases, digital photos for false IDs, and photo editing software.

First responders should use due caution when seizing electronic devices. The improper access of data stored in electronic devices may violate provisions of certain federal laws, including the Electronic Communications Privacy Act. Additional legal processes may be necessary. Investigators should consult with their local prosecutor before accessing stored data on a device. Because of the fragile nature of electronic evidence, examination should be done by appropriate personnel. It is recommended that police agencies identify local computer experts before they are needed. These experts should be "on call" for situations that are beyond the technical expertise of the first responding police officer or investigator.

Cyberstalking

Cyberstalking has become an increasing problem for law enforcement authorities. Cyberstalking takes place as part of a continuum of other crimes of sexual violence or interpersonal violence. Cyberstalking is simply an extension of the physical form of stalking, but the perpetrator uses the computer, email, or other electronic means to stalk the victim. According to a recent Bureau of Justice report, over 3 million people were victims of stalking during a 12-month period. Of those victimized, more than one in four reported that the stalking occurred in the form of e-mail (83 percent), instant messaging (35 percent), blogs or bulletin boards (12 percent), Internet sites about the victim (9.4 percent), or a chat room (4 percent). Additionally, nearly three in four stalking victims knew their offender in some capacity (Catalano, 2012). Stalking and threats done over the Internet is now a federal crime, punishable by up to five years in prison and $250,000 fine.

WHAT YOU SHOULD KNOW ABOUT CYBERCRIME EVIDENCE

- Computers have increasingly become the repository of evidence for many types of crimes.
- Computers can be the target or instrument of a crime.
- You should apply the same amount of diligence, chain of custody, and control just as they would any other type of evidence.
- Cyber evidence can easily be destroyed or altered. If a computer is off, it is best to leave it off.
- When seizing a computer, if the computer is powered up, perform a proper shutdown. If in doubt, consult a forensic computer expert.
- Regardless of the condition of the computer, don't assume the evidence has been destroyed.

Especially perplexing for law enforcement in the investigation of cyberstalking are the jurisdictional limitations. In many cases, the suspect may be located in a different city, state, or country than the victim. This makes it difficult or even impossible for local law enforcement to investigate the incident. Even if a law enforcement agency is willing to pursue a case in another state, it may be problematic to obtain assistance from out-of-state agencies when the conduct is limited to harassing e-mail messages and no actual violence has occurred. A number of cyberstalking cases have been referred to the FBI or the U.S. Attorney's Office because the victim and suspect were located in different states and the local agency was not able to pursue the investigation.

Research has found that the ability of an online stalker to instill fear and gain control over a victim reflects the same method of operation that an offline stalker uses (D'Ovidio & Doyle, 2003; Spitzberg & Hoobler, 2002). Although the prevalence and incidence of cyberstalking remain unknown, anecdotal reports suggest that cyberstalking appears to be expanding at a rapid pace, especially among the nation's youth.

Assessing Cybercrime Evidence

The assessment of cybercrime evidence can seem like a deviation when compared to the way police officers and investigators approach other crime scenes; however, investigators should keep in mind that they are essentially performing the same function—the difference is that in cybercrime the evidence that is desired is contained inside the computer. Nevertheless, a thorough assessment of all potential evidence contained in the hardware and software is critical to the effective investigation of cybercrimes.

Investigators should discuss whether other forensic processes need to be performed on computer evidence (e.g., DNA analysis, fingerprint, tool marks, trace, and questioned documents). The investigation may necessitate the need for pursuing other investigative avenues to obtain additional digital evidence. This may include sending a preservation order to an Internet service provider (ISP) for the purpose of identifying remote storage locations and obtaining e-mails. Consideration should also be given to the relevance of peripheral components to the investigation. In forgery or fraud cases, noncomputer equipment such as laminators, credit card blanks, check paper, scanners, and printers should

TIPS TO PREVENT CYBERSTALKING

1. Do not share personal information online, such as your name, address, marital status, occupation, income, account information, and passwords.
2. Do not use your real name as your screen name.
3. Exercise extreme caution when meeting online acquaintances in person.
4. Be wary of Internet forums that ask for any personal information. Only provide personal information to secure forums that you know and trust.
5. Monitor what your child is doing online and discuss Internet safety with them.
6. Make use of filtering software programs that prevent children from posting personal identifying information online.
7. Identify and use ISP that has a policy against cyberstalking.
8. If an online chat begins to feel uncomfortable log off and surf elsewhere. If the person continues to try and chat, block them from your contact list.
9. If you feel your personal safety has compromised online, report it to the police.

PRACTICE HINTS

EVIDENCE COLLECTION STEPS AT A GLANCE

- Where is the evidence located? Is it located at one crime scene or more than one?
- Establish what is likely to be relevant and admissible. When in doubt, err on the side of collecting too much rather than not enough.
- Question what else may be evidence as you work through the collection steps.
- Document each step of the process.
- Document all persons involved. Make notes of who was there and what they were doing, what they observed, and how they reacted.

be considered. Other potential evidence that should be considered includes spreadsheets, documents, databases, and financial records. Information should also be determined such as e-mail accounts, e-mail addresses, ISP used, names, network configuration and users, system logs, passwords, and usernames. This information may be obtained through interviews with the system administrator and users (U.S. Department of Justice, 1999).

Summary

- The first responding patrol officers play a critical role in the crime scene investigation. A careful and thoughtful response to the crime scene can prevent the destruction and/or contamination of evidence. The investigation of a crime typically begins when patrol officers arrive at the crime scene.
- The patrol officer who is the first to arrive at the scene of a crime must determine what sort of crime has been committed, how serious it is, what evidence is likely to be at the scene, and decide on whether the crime scene warrants calling the investigations unit.
- The first responding patrol officers have the responsibility to apprehend the suspect if still present at the scene, provide first aid to the injured, and to secure the crime scene.
- Once the crime scene is turned over to the investigations unit, the first consideration is to obtain a search warrant for the crime scene, if necessary. A search warrant is a written warrant issued by a judge or magistrate which authorizes the police to conduct a search of a person or location for evidence of a crime and seize the evidence.
- The search of the crime scene should be thoughtful and thorough. The search of the crime scene can be described as the search for the truth, as far as it can be determined in an after-the-fact investigation.
- The specific search technique at the crime scene is largely dependent on the geographic location of the crime scene. A crime scene that is confined inside of a residence will differ from a crime scene in a rural area. Various crime scene search techniques include strip, wheel, zone, or spiral.
- The duties of the criminal investigator are complex in nature. The investigator must determine that a crime has been committed. Once it is determined what type of crime has been committed, the investigator must discern enough about the circumstances of the crime to be able to identify and arrest those responsible. In order to accomplish this, the investigator gathers evidence. Likewise, the investigator may talk to persons and interview suspects.
- Evidence can be in the form of associative, trace, fingerprint, and testimonial. Hair evidence is a type of associative evidence because it can establish an association between a suspect and the crime. Tracing evidence is any evidence left behind by the suspect at the crime scene. Fingerprint evidence can be in the form of latent fingerprints or visible fingerprints.
- Latent fingerprints are those that cannot be seen by the naked eye; visible fingerprints can be seen. Most fingerprints discovered at a crime scene will be on paper, glass, metal, or other smooth-surfaced objects.

- Testimonial evidence is obtained from witnesses, survivors, or any other person at the crime scene that has knowledge of the crime.
- *Corpus delicti* evidence is a term used to refer to the actual victim's body in a murder case.
- Before evidence is handled, its nature and position must be recorded and should be photographed. A rough sketch showing the location of the evidence should also be used. In any case, regardless of who finds real or possible evidence, only one person, the leader of the search or the designated evidence custodian, should handle it from that point on, until delivered to the examining laboratory. Once the evidence has been picked up it should be marked, tagged, or otherwise identified so that there will be no doubt in court that it is the item it is represented to be.
- Many evidentiary items will require packaging and/or preservation. The nature of the evidence will have a major influence on the techniques to be employed; for example, a sample of blood should be placed in an airtight, impervious container (such as glass) no larger than necessary, and tightly sealed and refrigerated. On the other hand, items that have been bloodstained should be treated somewhat differently. They must not be placed in an airtight container. Allow a bloodstained shirt to thoroughly air dry, then package it in paper.
- Narcotics field testing kits allow for the identification of suspected illicit narcotics. Police officers can literally obtain instant reaction when field testing suspected illicit narcotics. Narcotics field kits use reagents that can give clues about the identity of drugs.
- Many criminals are facilitating their crimes with the use of the computer. Computer crime is committed when a computer is the target of a crime, or the means adopted to commit a crime. Most of the crimes are not new except for the tool used to commit the crime, the computer.
- Cyberstalking is the threatening behavior or unwanted advances directed at another person using the Internet and other forms of computer communications. The investigation of cyberstalking is a perplexing problem for law enforcement due to the jurisdictional problems. The suspect may be in another city, state, or country. Because of the jurisdictional problems, many cyberstalking cases have been turned over to the FBI.

Classroom Discussion Questions and Activities

1. Have the class discuss what they would do if they were a first responding police officer at the scene of a crime.
2. Discuss what the first responding officer(s) should do when arriving at the scene of a crime.
3. Discuss the different types of crime scene search techniques.
4. Discuss the most common way of lifting latent fingerprints.
5. Set up a mock crime scene and have groups of students play the role of first responding officer(s) and investigators.
6. Hide some mock evidence in a field and have students demonstrate a search technique in locating the evidence.
7. Make a list of evidence that has individual characteristics and a list of evidence that has class characteristics.

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6 Interviewing and Interrogation

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe the objectives of both the interview and the interrogation.*
- *Describe the advantages and disadvantages to nondirective and directive interviewing.*
- *Describe and explain the basic principles of interrogations.*
- *Discuss the use of polygraph examinations during a criminal investigation.*

CHAPTER OUTLINE

- Introduction
- Principles of Interviewing
- Field Interviews/ Investigative Stops
- Principles of Interrogation
- Use of the Polygraph and CVSA
- Human Lie Detector
- Law of Interviewing and Interrogation
- Voluntariness of a Confession
- Nontestimonial Evidence
- Immunity
- The Art of Listening
- Summary

▶ Introduction

Often, the terms *interviewing* and *interrogation* are treated as if they are interchangeable. In addition, whether the label *interview* or *interrogation* is used frequently depends upon the point of view of the user. A police officer may testify in court that the defendant was *interviewed* over a period of three hours, and the defense counsel in cross-examination questions the officer regarding the three-hour *interrogation*.

interview A nonaccusatory questioning of an individual for the purposes of obtaining information.

There is a distinct difference between the two terms. An **interview** is a nonaccusatory questioning of an individual for the purposes of obtaining information (Inbau et al., 2004, 5). Interviews are normally conducted during the early phase of an investigation and tend to be free flowing and relatively unstructured.

An interrogation is accusatory questioning of a suspect (Inbau et al., 2004, 7). The purpose of an interrogation is to learn the truth. Unlike interviews, an interrogation involves active persuasion, which is when the interrogator uses tactics that will dominate the questioning and are directed toward persuading the suspect to tell the truth. Interrogations are conducted only after the investigator has concluded that the individual being questioned is guilty of the crime.

information gathering interview An interview generally conducted during the preliminary investigation of a crime with the purpose of gathering information.

The *Manual for Police of New York State* (2005, 2, 5, 25) states that while questioning is the basis of both an interview and an interrogation, they have distinctly different focuses. The purpose of an **information gathering interview** is to get information by questioning a person about knowledge of an event or its circumstances, whereas the focus of an interrogation is to obtain information by questioning a suspect about participation in an offense, to seek an oral admission, and, if possible, to get those admissions documented in a written confession. Photo 6-1 is an example of the legal requirements imposed on the police.

PHOTO 6-1 The law of interviewing and interrogation is constantly changing. An officer should be alert for changes in the law.
Aleksandar Radovanov/Fotolia

Basic objectives in both interviews and interrogations for law enforcement purposes include the following:

- Secure accurate information.
- Distinguish fact from falsehood.
- Identify and convict the criminal or criminals.
- Assist the victim and the recovery, if appropriate, of the victim's property.

▶ Principles of Interviewing

Art of Interviewing

Felix Lopez, a personnel specialist, contends that: "Interviewing is very much like piano playing, a fair degree of skill can be acquired with the necessity of formal instruction, but there is a world of difference in craftsmanship, in technique, and in finesse between the amateur who plays 'by ear' and the accomplished concert pianist" (Lopez, 1975, 1).

Stewart and Cash (1988, 3) define interviewing as, "A process of dyadic, relational communication with a predetermined and serious purpose designed to interchange behavior and involving the asking and answering of questions." To them the word *process* denotes a dynamic, ever-changing interaction, with many variables operating with and acting upon one another, and a degree of system without being fixed. They see *dyadic* as denoting that an interview is a person-to-person interaction between two parties or units. The interaction between *units* indicates that the interview may be between more than two people, but never more than two units (an interviewer party and an interviewee party), such as two members of the police department jointly interviewing a husband and wife. The word *relational* suggests an interpersonal connection between the two parties. According to Stewart and Cash, at least one party to the interview comes to the interview with a goal and has planned the interview to focus on specific subject matter. To them, the asking and answering of questions is crucial to the interviewing process. Questions are tools that are used by the interviewer. Few interviews are successful unless purposeful questions are used throughout the process and are asked at the appropriate time (Stewart & Cash, 1988, 5).

While interviewing takes talent, it is talent that is learned from experience and training. To be a successful interviewer, you need a background in human behavior, psychology, and communications. An officer learns the art of interviewing just like learning to fire a weapon. In learning interviewing expertise, like weapons training, some officers seem to have a natural ability and others need to work at it.

Types of Interviews

For crime investigations, there are five basic types of interviews: information gathering, selection interviews, dealing with problems of the interviewee's behavior, problem solving, and persuasive interviews. The information gathering interview is generally conducted during the preliminary investigation of the crime. The purpose of this interview is to determine what happened and why. The **selection type interview** is used in law enforcement to screen out or weed out individuals. Some interviews are designed to deal with certain behavior problems, such as two neighbors who are involved in a heated argument and the purpose of the interview is to reduce the tension between them. **Problem solving interviews** in law enforcement are typically directed to determine **who** committed the crime. Interviews are also conducted in an attempt to persuade the interviewee to provide information regarding someone else's criminal behavior.

selection type interview An interview that is used in law enforcement to screen out or weed out individuals.

problem solving interview An interview that is directed to determine who committed the crime.

VOICES OF EXPERIENCE

INTERROGATION TECHNIQUE

Excerpts from an interview between Cliff Roberson and former police officer, John L. Padgett, presently faculty at Capella University

Q: When you interrogated suspects did you have any special techniques?

A: When I interrogated suspects in my office, I always had available what I referred to as the "three sins:" strong black caffeinated coffee, chocolate candy, and menthol cigarettes. When the individual did not want to talk, I would take my time and give them cigarettes, coffee, and candy. After a while, they would sit there and become relaxed. Often, they would start talking, waive their rights, and provide a complete statement as to what happened. I don't know why it worked, but often it did.

Source: Used with permission of John L. Padgett, Lead Faculty at the Institution of Justice, Westwood College, Colorado.

PRACTICE HINTS

The word *interview* implies cooperative consent to provide information. The fact that eyewitness accounts of an event differ does not mean that one of them is lying, nor is it impossible for several witnesses to tell the same story. How each witness perceives an event is often very different. People also tend to exaggerate, fabricate, and prevaricate.

Truth is the ultimate goal of every interview you conduct or incident that you investigate.

Approaches to Interviewing

Regardless of the type of interview or its purpose, there are two basic approaches to interviewing: directive and nondirective. Each has its distinct advantages that are discussed in this section. In the **directive approach**, the interviewer establishes the purpose of the interview and controls its pacing. The **nondirective approach** is where the interviewer allows the interviewee to determine the approach and scope of the interview. The nondirective approach is used quite frequently in counseling, performance appraisals, and problem solving. The directive approach is used frequently in criminal investigations.

directive approach Where the interviewer establishes the purpose of the interview and controls its pacing.

nondirective approach Where the interviewer allows the interviewee to determine the approach and scope of the interview.

Example of a directed interview:

INTERVIEWER: What is your name?

INTERVIEWER: Did you see what happened?

INTERVIEWER: What happened?

INTERVIEWER: Where were you when it happened?

INTERVIEWER: Who else was involved?

Advantages of the directed approach include the following:

- It is easier to teach to a new interviewer.
- It is more efficient because it takes less time.
- It can be supplemented by other methods of data collection.
- It can be replicated by controlling the variables such as voice, facial expressions, and appearance.

Disadvantages of the directed approach include:

- It is inflexible.
- The approach is limited in variety and depth of subject matter.
- It limits the interviewer's range of techniques.
- There are more effective and efficient means of data collection.
- The validity of the information obtained may be questionable.

Example of a nondirective interview:

INTERVIEWER: Tell me, what should I be looking for?

INTERVIEWEE: (provides a response)

INTERVIEWER: Why is that important?

INTERVIEWEE: (explains)

INTERVIEWER: What is your responsibility in the incident?

Advantages of the nondirective approach include:

- Allows the interviewer to probe deeply into the matter.
- Provides a pattern of the subjective thinking of the interviewee.
- May provide information or a direction that the interviewer was unaware of.
- Gives the interviewer greater flexibility.
- Tends to generate more information.
- Gives the interviewee freedom to provide lengthy answers and to volunteer information.
- It does not lead the interviewee as to what information you are seeking.

Disadvantages of the nondirective approach include:

- It requires a more experienced interviewer than the directed interview.
- Interviewer must possess some psychological insight and sensitivity.
- It often generates excessive and nonrelevant information.
- The requirement of adaptation to each interviewee reduces the opportunity to replicate the interview.
- It is time consuming.

Sympathetic or Logical Approach

"Just the facts, ma'am."

—Joe Friday, from the TV series: Dragnet

The interview may be approached from either a sympathetic or a logical approach. With the sympathetic approach, you attempt to sympathize with the interviewee or the accused and gain his or her confidence. This approach is often successful when interviewing involves a victim or possible suspect in a crime of passion. The logical approach involves establishing a superior psychological position with the interviewee by conducting a "no nonsense" interview and creating the atmosphere that you have the evidence and are just providing the interviewee with an opportunity to explain his or her actions. This approach works with sociopaths whose crimes involve intelligence and cunning rather than emotion. It also works with career criminals.

PRACTICE HINTS

INTERVIEWEE'S QUESTIONS

Experienced interviewers will never walk away from an interview with the feeling that they gave more information than they received. Your objective in an interview is to get information, not give it. Under most circumstances, it is unwise to share information that you obtained from other interviewees with the subject of your present interview. As a general practice, you should not answer the interviewee's questions.

Timing and Setting of the Interview

Interviews during a criminal investigation should be conducted as soon after the event as reasonably possible, whereas interrogations of suspects should be postponed until after the victim and other witnesses have been questioned.

The proper setting of the interview will make the questioning easier. The initial interview may be at the crime scene where there will be circumstances laden with confusion or distraction. Generally, the initial interview will obtain only the gist of the information that a person has. A more thorough interview, if appropriate, should be conducted at a later time in a more favorable setting. The follow-up interview should be conducted in private and without interruptions, if possible.

Prior to a follow-up interview, the interviewer should:

- Review all available information.
- Make a list of the points that are needed to be explored.
- Consider whether the interview should be recorded.
- Remove, if possible, any physical barriers that may hinder the interview.
- If interviewing a juvenile, determine if state law requires the presence of his or her guardian (The Manual for Police of New York State, 2005, 2–7).

Structure of the Interview

The first few minutes of an interview probably determine the amount of information that will be received from the interview. The attitudes formed in those initial moments may have a lot to do with the success of your interview and the amount of cooperation that you receive from the interviewee. A widely recommended approach includes the following steps:

- Greet the interviewee in a cordial and sincere manner.
- Identify yourself by name, rank, or position title and organization.
- Show your credentials.
- Put the interviewee at ease by introducing a topic that both of you can discuss without strain or awkwardness.
- Create a favorable atmosphere by
  - Controlling your personal feelings.
  - Not visibly reacting to the answers received from the interviewee.
  - Displaying a sincere interest in the interviewee.
  - Maintaining eye contact.

- Do not be overly familiar.
- When the interviewee is at ease and you have established a good rapport, direct the interview toward the desired topic.
- Avoid the use of police jargon or legal sounding words, such as:
  - Prosecution
  - Confession
  - Criminal
  - Perpetrator
  - Patrol unit
- Take notes, unless the note taking hampers the interview.
- Allow the interviewee to give a complete answer or account of the story without interruption.
- Avoid or limit questions that may be answered by "yes" or "no."
- Listen and evaluate the information you are receiving from the interviewee.
- Be alert to what is said and what is not said.
- Observe the body language of the interviewee when providing an answer to a question.
- Once the interviewee has finished the story, ask direct questions to clarify and expand on the information already provided.
- An abrupt closure to the interview may cause the loss of valuable information. It may be helpful to summarize what has been covered and ask the interviewee if anything was omitted or should be added.
- If possible, get a written statement from the interviewee (The Manual for Police of New York State, 2005, 2, 5, 26).

Obtaining Written Statements

There are certain commonly accepted procedures that should be followed in taking written statements from witnesses. One fact that should always be remembered is that often a person starts out as a witness and ends up as a suspect. **Note:** A copy of any written statements provided by a witness should be provided to the defense counsel prior to trial.

The written statement may be handwritten, typewritten, or computer generated. If the statement is handwritten, it should be in ink and made by the witness, unless the witness for some reason is unable to reduce the statement to writing. Typewritten or computer-generated statements are preferable to handwritten statements and should be the only types of written statements prepared by an officer for the witness. When taking a written statement from an individual who may later be a suspect, if possible, have another officer present as a witness.

The first part of the statement should contain the identity of the person giving the statement. The identity should include at least: full name, place of residence, date of birth, marital status, employment, and contact information. In most cases, the goal is to obtain as much information as possible in the statement. Under most circumstances, do not try to shorten the statement. Always allow witnesses to give the details in their own language. After the statement is finished, read it and if necessary ask the witness to amplify with additional paragraphs events that need clarification. After the statement is finished, have the witness reread the statement and ask if the statement is true and correct. Have the witness sign and date the last page and initial the other pages. If any other person is present, including another officer, ask the person to sign the statement as a witness.

PRACTICE HINTS

A successful tactic used by many interviewers is to gain an unspoken psychological advantage over the interviewee. This may be through the location of the interview or by the arrangement of the furniture in the interview room. The idea is to make the interview subject feel slightly uneasy without knowing why.

If the witness refuses to sign the statement, try to determine why the individual does not wish to sign it. Often it is advisable to suggest to the unwilling witness that maybe the refusal to sign the statement is because the statement contains false information. Frequently, this will cause a change of mind and the statement will be signed. Never order the person to sign the statement. If the individual insists on not signing the statement, make detailed notes as to the conversation and attach your notes to the unsigned statement. If another officer is present, have the other officer sign as a witness to the statement.

Levels of Interactions

According to Stewart and Cash (1988, 22), there are three levels of interactions in interviews.

- Level 1 interactions deal with relatively safe, nonthreatening areas of inquiry. Most interviews will start at level 1; for example, the officer will introduce himself or herself and ask the interviewee's name.
- Level 2 interactions deal with more intimate, threatening, or controversial areas of inquiry. Most of a law enforcement interview will probably be conducted at level 2.
- Level 3 interactions deal with highly controversial or intimate areas of inquiry. At this point, the interview will most likely change from being an interview to being an interrogation.

Stewart and Cash see the levels of interaction as like a door. The door is merely ajar in level 1 interactions, half open in level 2 interactions, and wide open in level 3 interactions.

▶ Field Interviews/Investigative Stops

It is a normal police practice to stop suspicious persons in public places for the purposes of questioning them or conducting an investigation. Until the *Terry v. Ohio*, 392 U.S. 1 (1968) case, there was a question as to whether this procedure constituted a violation of the Fourth Amendment, because the officers generally do not have probable cause to detain and question the individuals.

In *Terry v. Ohio*, an officer observed Terry and two other men walking back and forth in front of a store. The officer decided that the men were casing the store for a possible

PRACTICE HINTS

A written record should be made of every investigative stop or field interview. Many departments require their officers to fill out a form in either a notebook or on a card that contains information as to why the officer was suspicious, any statement given by the person contacted, and any identification provided. Always assume, but do not indicate in any manner, that any person you stop, and question is a danger to your safety.

robbery. When he approached them and asked for identification, he received only mumbled replies. He then grabbed Terry, turned him around, and patted him down. The officer found a pistol in Terry's pocket. Terry, an ex-con, was arrested for carrying a concealed weapon. The Court upheld the search and found no Fourth Amendment violation.

The Court held that a police officer may temporarily detain a person for questioning if the officer has a reasonable suspicion that criminal activity may be involved. The officer may pat down for weapons only if the officer has the additional reasonable suspicion that the pat down is necessary for safety reasons. *Temporary detention* and *reasonable suspicion* are discussed in Chapter 15 in the section on searches and seizures.

A **field interview** is similar to an investigative stop, except there is an absence of suspicious circumstances. In the **investigative stop**, there is the possibility that criminal activity may be occurring. In the field interview, the officer is seeking information. It is frequently stated that a good police officer is a curious person and when something seems different or unusual, the officer asks questions.

When conducting the interview or stop, the officer generally must conduct the questioning on the spot and does not have the opportunity to select the optimal setting. If possible, for safety reasons, the interview or stop should be conducted in a well-lighted area and in private. Generally, the first questions asked should appear to be satisfying your curiosity, rather than investigating criminal behavior. Some examples are: "Do you live around here?" and "Where is your car?" Try not to alert the individual that you are concerned about possible criminal activity.

field interview The stopping and interviewing of a person by a police officer when there is an absence of suspicious circumstances.

investigative stop The stopping and interviewing of a person where there is the possibility that criminal activity may be occurring or has occurred.

Questioning of a Child—Excerpts from the U.S. Supreme Court decision in *J.D.B. v. North Carolina*, 564 U.S. 261 (2011)

The U.S. Supreme Court for the first time in 2011 ruled that the age of a child subjected to police questioning is relevant. Writing for the five-member court majority, Justice Sonia Sotomayor stated that there is "no reason for police officers or courts to blind themselves to the commonsense reality" that "children will often feel bound to submit to police questioning while an adult in the same circumstances" would not. Indeed, Sotomayor said that a student required by law to attend school, and who is subject to disciplinary action for disobedience, might well believe that he or she must answer all police questions.

"Our history is replete with laws and judicial recognition that children cannot be viewed simply as miniature adults," said Sotomayor, concluding that because children are different—less mature, less capable of judgment, and more susceptible to influence—police and judges must consider age in determining whether a child should have been advised of his or her legal rights.

Joining her in the majority were Justices Anthony Kennedy, Ruth Bader Ginsburg, Stephen Breyer, and Elena Kagan.

Justice Samuel Alito wrote the dissent for the court's four most conservative justices. The dissenters said, essentially, that the beauty of the Miranda rule is that it is simple and objective. A suspect must be Mirandized once he is in police custody—in short, when he cannot leave. The Court's ruling, wrote Alito, "blurs" that line and "is fundamentally at odds" with the clarity of the Miranda rule.

"The defendant's own confession is probably the most probative and damaging evidence that can be admitted against him."

—Former Supreme Court Justice Byron White, Bruton v. United States (1968)

▶ Principles of Interrogation

Art of Interrogating

Devallis Rutledge, former chief deputy prosecutor for Los Angeles County, defines **interrogation** as a "controlled questioning calculated to discover and confirm the truth from the responses of an individual, despite his or her intentions and efforts to conceal the truth"

interrogation Controlled questioning calculated to discover and confirm the truth from the responses of an individual, despite his or her intentions and efforts to conceal the truth.

PRACTICE HINTS

THE DIFFERENCE BETWEEN A CONFESSION AND AN ADMISSION

A **confession** is a direct acknowledgment of guilt on the part of the individual providing the statement. A confession acknowledges guilt either by statement of the details of the crime or an admission of an ultimate fact. An **admission** is a statement provided by an accused of a fact or facts pertinent to the issue that helps establish the accused's guilt, but does not admit actual guilt. The statement, "I murdered her" is a confession, whereas the statement, "I shot her in self-defense" is an admission because the latter statement does not admit guilt and in and of itself will not establish guilt.

confession A direct acknowledgment of guilt on the part of the individual providing the statement.

admission A statement provided by an accused of a fact or facts pertinent to the issue that helps establish the accused's guilt, but does not admit actual guilt.

Miranda Myths The concept that there are numerous misconceptions about what the *Miranda v. Arizona* decision means. Two of the most popular misconceptions are: (1) anything gained in violation of Miranda is inadmissible, and (2) the warning must be given on traffic stops.

polygraph (lie detector) An instrument that records physiological reactions of the person being examined to specific questions to detect deception.

(Rutledge, 2001, 1). Rutledge claims that interrogation is one of the most important tools in law enforcement. He contends that **Miranda Myths** have prevented law enforcement officers from using the tools of interrogation to the fullest extent possible.

There are legally permissible ways to question a suspect without giving the suspect a Miranda warning. Those ways include:

- There are times when it is legally permissible to use tricks and deceit to get a confession.
- It is sometimes permissible to reinterview a suspect without giving a new Miranda warning. **Note:** *People v. Brueseke*, 25 Cal. 3rd 691 (1972) holds that it is not necessary to rewarn the suspect unless a substantial time has passed (e.g., more than 24 hours).
- There are psychological ploys that may be used by law enforcement officers that will usually remove a suspect's defenses to telling the truth and allow you to get a confession. (Rutledge, 2001, 5).

▶ Use of the Polygraph and CVSA

The **polygraph (lie detector)** is an instrument that records physiological reactions of the person being examined to specific questions to detect deception. The word *polygraph* literally means "many writings." The records of a polygraph examination are interpreted by an expert (polygraphist) who will normally give an opinion as to whether there was an indication that the person being examined was deceptive to certain questions. Generally, the results or even the fact that a polygraph examination was given is not admissible in court.

Any statement made by the person being examined, however, may be admissible in evidence as an admission. Prior to admitting the statement, the prosecution must establish that the statement was not caused by any force, threats, or promises of leniency. In some states, the courts consider the use of a polygraph inherently coercive and thus the statements are inadmissible. In *State v. Johnson*, 193 Wis 2d 382 (1995), the Wisconsin State Supreme Court held:

> Although polygraph test results are inadmissible in criminal proceedings, statements made in post-polygraph interviews may be admissible. If the post-polygraph interview is so closely related to the mechanical portion of the polygraph examination that it is considered one event, the post-polygraph statements are inadmissible. On the other hand, post-polygraph interviews may be found to be distinct both as to time and content from the examination which precedes them, and the statements made therein admissible. This determination is made after consideration of the totality of circumstances of the individual case.
>
> The… "one event" touchstone is a mosaic of many fragments, and among other factors to be considered are: the time between the end of the polygraph examination and the interview during which the defendant said something that he or she seeks to suppress; whether

the defendant was still attached to the polygraph machine when he or she made the incriminating statements; whether the post-polygraph interview was in the examination room or some other place; whether the defendant was told that the polygraph examination is over; and whether… the polygraph examiner interrogates the defendant making frequent use of and references to the charts and tracing he had just obtained.

The **Computer Voice Stress Analyzer (CVSA)** tries to detect deception by analyzing the level of stress in a person's voice. Questions asked during a polygraph are limited generally to "yes" or "no" responses, whereas the CVSA can analyze any spoken word. Both the polygraph and the CVSA should be used only as tools of an investigator, never as a substitute for an investigation.

Computer Voice Stress Analyzer (CVSA) An instrument that tries to detect deception by analyzing the level of stress in a person's voice.

▶ Human Lie Detector

Comedian Groucho Marx once stated: "There is one way to determine if a man is honest—ask him" (Wallace & Roberson, 2004, 145). An experienced questioner can sense when a person is being untruthful. Lieberman (1999), a board-certified hypnotherapist, notes that people lie for many different reasons and often their lying does not benefit anyone. Lieberman notes that it takes two individuals for a lie to be effective—one to make the lie and one to believe it. Lieberman stated in one of his workshops for law enforcement officers that Abraham Lincoln is said to have posed the following question: "How many legs would a sheep have if you called its tail a leg?" "Four," explained Lincoln. "Because calling its tail a leg doesn't make it one" (Lieberman, 1999, 2).

Lieberman has identified 46 clues to deception. He divides the clues into the following seven sections:

- Body language
- Emotional states
- Interpersonal interactions
- Verbal content
- How something is said
- Psychological profile
- General indications of deceit

Lieberman notes that certain variables such as gender, ethnicity, and cultural background can influence how we interpret various clues; for example, the use of gestures and personal space vary by cultural background. He, however, concludes that for the most part, these factors are negligible and can be ignored. Lieberman recommends that once you conclude that the individual is lying to you, generally it is better not to confront the individual immediately with an accusation of deceit until after you have received all the information you can; then determine how you can best use this insight to your advantage.

Body Language

Many of Lieberman's clues involve the fundamentals of body language, others use more advanced techniques and processes. Many clues are so subtle that they can easily be missed unless you are trained to detect them. Some of the basic clues are:

- **Eye contact**—Little or no direct eye contact is a classic sign of deception. (**Note:** All research reports and books that the authors reviewed in this area emphasized the importance of eye contact in detecting deception.)

- **Arms and hands animation**—According to Lieberman, when a person is lying or keeping something in, the person tends to be less expressive with the hands or arms.
- **Artificial movements**—If the person's arm movements and gestures are stiff and almost mechanical; that is, the movements are contrived and not natural—the person is being deceptive.
- **Keeping legs and arms in**—When a person sits with the legs and arms close to the body, perhaps legs crossed but not outstretched, the person is keeping something in.
- **Cover-up**—If the individual's hand goes straight to the face while the individual is responding to a question or when making a statement, this often is an indication of deceit.
- **Partial shrug**—The shrugging of one's shoulders is usually a gesture that indicates ignorance or indifference, but if the gesture is fleeting and you only catch a glimpse of it—it's a sign that the movement is not a true emotion and the individual is trying to deceive you.

Emotional States

Inconsistencies between gestures, words, and emotions are great indicators of deception. Examples include:

- **Timing**—If a person's head begins to shake in a confirming direction before or as the words come out, that is generally an indication that the individual is being truthful. If, however, the timing is off and the shake comes after the statement, it is not based on emotion—instead it is based on deception.
- **Contradiction and Consistency**—Not only should timing be observed, but the interviewer needs to pay attention to the type of gestures, for example, a person who is lying or hiding something will rarely point a finger at the interviewer or others. Also, look for a smile that doesn't seem to be a happy smile.

Interpersonal Interactions

Be aware of a person's posture in and of itself and in relation to the surroundings. Contrary to popular opinion, a person who is wrongly accused of something does not become defensive. A guilty individual becomes defensive.

Lieberman contends that a person who is lying will rarely have physical contact with the person to whom the deception is directed. This is an unconscious reduction of the level of intimacy to help alleviate the person's guilt for deceiving the interviewer. When a person feels confident about a situation and conversation, the person tends to be erect or sits up straight—a sign that the individual feels good about himself or herself. Insecure individuals often stand or sit hunched over and frequently have their hands in their pockets.

Verbal Content

The words that are chosen to convey a message are very reflective of the person's true feelings. Lieberman claims that if a person uses the language "It wasn't me" instead of "It was not me," the person is more likely to be telling the truth. A deceptive person wants to emphasize the "not" and therefore tends not to use the contraction of "was not." He also contends that persons telling the truth are not concerned about whether you understand them—they are willing to clarify. Dishonest persons want to be sure that you understand their point immediately so that they can change the subject; for example, compare the

statement: "I'm pretty sure I have never cheated on a test" with the statement: "No, I would never cheat on a test." The proponent of the second statement wants to make sure you understand the answer and move on; a sign of deception.

An implied answer is often given when the individual does not want to answer the question asked. If the question asked is: "Did you like Mary?" An answer similar to: "I rarely saw her" indicates that the interviewee does not want to answer the question. Lieberman also contends that guilty persons tell their story in dribs and drabs until they get a verbal confirmation to stop. They speak to fill the gap left by silence.

How Something is Said

One rule of thumb concerns the speed at which an individual answer a question. A guilty person takes more time and tries to come up with the "right" answer, which takes more time than merely giving an honest answer. Pacing is also important. A rapid response to a question with a one-word answer and then being slow to add additional content is a sign of deception. The individual was quick in the denial but needed time to make up the follow-up information. The tone of the voice is also an excellent indicator of truth. A deceitful statement is frequently delivered in a flat voice devoid of any real emotion.

▶ Law of Interviewing and Interrogation

In this section, we will examine the suspect's right to counsel when being interrogated. There are two separate constitutional amendments that must be considered in any questioning of a suspect by law enforcement. The Fifth Amendment provides that an individual may not be compelled to provide an incriminating statement against himself or herself. The Sixth Amendment right to counsel attaches when the investigation is no longer a general inquiry, but focuses in on the individual. For ease of understanding the basic legal principles, we will examine the accused's rights under the Sixth Amendment first.

Sixth Amendment's Right to Counsel During Interrogation

As the reader will note, the Sixth Amendment guarantees many rights to defendants. It has even been called "the defendant's amendment." Included in those rights is the right to assistance of counsel. The U.S. Supreme Court noted, "… of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have" (*Powell v. Alabama*).

"In all criminal prosecutions, the accused shall… have the right to the assistance of counsel for his defense."

—from the Sixth Amendment

In early England, an accused person had no right to a counsel. A neutral judge would look after both the accused person's rights and the rights of the King or Queen. Originally, the right to counsel under the Sixth Amendment was interpreted to mean that the accused has only a right to have counsel present during a criminal trial (Monk, 2000, 134). As will be noted, the Sixth Amendment is now considered to provide the defendant with the right to effective representation of counsel.

The leading U.S. Supreme Court case on when the right to counsel attaches is *Escobedo v. Illinois*, 378 U.S. 478 (1964). Danny Escobedo's brother-in-law, Manuel Escobedo, a Chicago convict, was shot on the night of January 19, 1960, and without a warrant Danny Escobedo was arrested the next day, at 2:30 AM. He was released at 5:00 PM that afternoon, after Warren Wolfson, his lawyer, obtained a writ of *habeas corpus*. During that period, he made no statement to the police. On January 30, Benedict DiGerlando, a man in police custody, told the police that Danny Escobedo had killed Manuel. The police rearrested Escobedo between 8:00 and 9:00 PM that day. He was then taken to the police headquarters and questioned without letting him speak to or even see his lawyer.

The Escobedo's lawyer described the ensuing events in the following terms:

> On that day I received a phone call (from "the mother of another defendant") and pursuant to that phone call I went to the Detective Bureau at 11th and State. The first person I talked to was the sergeant on duty at the Bureau Desk, Sergeant Pidgeon. I asked Sergeant Pidgeon for permission to speak to my client, Danny Escobedo.… Sergeant Pidgeon made a call to the Bureau lockup and informed me that the boy had been taken from the lockup to the Homicide Bureau. This was between 9:30 and 10:00 in the evening. Before I went anywhere, he called the Homicide Bureau and told them there was an attorney waiting to see Escobedo. He told me I could not see him. Then I went upstairs to the Homicide Bureau. There were several Homicide Detectives around and I talked to them. I identified myself as Escobedo's attorney and asked permission to see him. They said I could not.… The police officer told me to see Chief Flynn who was on duty. I identified myself to Chief Flynn and asked permission to see my client. He said I could not.… I think it was approximately 11:00. He said I couldn't see him because they hadn't completed questioning.… For a second or two I spotted Escobedo in an office in the Homicide Bureau. The door was open and I could see through the office.
>
> I waved to him and he waved back and then the door was closed by one of the officers at Homicide. There were four or five officers milling around the Homicide Detail that night. As to whether I talked to Captain Flynn any later that day, I waited around for another hour or two and went back again and renewed my request to see my client. He again told me I could not.… I filed an official complaint with Commissioner Phelan of the Chicago Police Department. I had a conversation with every police officer I could find. I was told at Homicide that I couldn't see him and I would have to get a writ of *habeas corpus*. I left the Homicide Bureau and from the Detective Bureau at 11th and State at approximately 1:00 AM [Sunday morning]. I had no opportunity to talk to my client that night. I quoted to Captain Flynn the Section of the Illinois Criminal Code which allows an attorney the right to see his client.

During his questioning, Escobedo was tricked into saying he knew that DiGerlando had killed Manuel, making him an accomplice. He was then found guilty of first-degree murder and was sentenced to prison for 20 years, with his "confession" which he later recanted.

SIXTH AMENDMENT RIGHTS INVOLVED IN LAW ENFORCEMENT QUESTIONING

- If the defendant has been formally charged with a crime and has an attorney, the government may NOT question the defendant without the defendant's counsel being present.
- If the investigation is in the general stages and has not focused on a person or persons, the individuals being questioned may refuse to answer any questions that may incriminate them. They, however, do not under the Sixth Amendment have a right to counsel.
- If the investigation has focused upon a particular person or persons, the suspect or suspects have a right to counsel. Under the Sixth Amendment, they may be questioned without the presence of an attorney as long as no request for an attorney has been made.
- The issue as to whether individuals must be advised of their right to counsel prior to questioning is a Fifth Amendment issue, not a Sixth Amendment question. To answer this issue, Miranda and the cases that explained and interpreted Miranda must be examined.

His attorney petitioned to the Illinois Supreme Court, where the conviction was affirmed and then to the U.S. Supreme Court. The Court, in an opinion by Justice Arthur Goldberg, ruled 5-to-4 in favor of Escobedo, overturning his previous conviction on the grounds that his confession was not admissible in a court of law. Justice Goldberg, in the majority opinion, spoke for the first time of "an absolute right to remain silent." Escobedo had not been adequately informed of his constitutional right to remain silent rather than be forced to incriminate himself. Justice Goldberg wrote:

> No system worth preserving should have to fear that if an accused is permitted to consult with a lawyer, he will become aware of, and exercise his rights. If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement, then there is something very wrong with that system.

The Escobedo case stands for the proposition that when a police investigation is no longer a general inquiry into an unsolved crime, but has begun to focus on a particular suspect, the accused has a constitutional right to keep silent and to consult with an attorney. If the accused is denied the assistance of counsel in violation of the Sixth Amendment, no statement extracted by the police during the interrogation may be used against him at a trial. Escobedo was decided before *Miranda v. Arizona*, which emphasizes whether the appropriate warnings have been given and given correctly, and whether the right to remain silent has been waived.

Fifth Amendment Restrictions on Questioning

"No person. . . shall be compelled in any criminal case, to be a witness against himself. . ."

—from the Fifth Amendment

The preceding clause from the Fifth Amendment prohibits forcing defendants to testify against themselves. This right was applied to state criminal prosecutions in 1964 by the U.S. Supreme Court case, *Malloy v. Hogan*, 378 U.S. 1 (1964). The right against self-incrimination was a part of English common law in the sixteenth and seventeenth centuries. In 1637, John Lilburne, a Puritan printer, was accused of treason for distributing pamphlets critical of the King. A special royal court, the Star Chamber, heard the case. The Star Chamber used a system of inquisition or questioning the accused under oath. If the individual answered the questions and admitted his guilt, he was found guilty of the crime. If the individual denied that he committed the offense, his soul was in jeopardy for lying under the oath of God. Lilburne refused to take the oath required by the Star Chamber. His assertion of the right against self-incrimination led Parliament to abolish the Star Chamber and to forbid any oath requiring a person to "confess or to accuse himself or herself of any crime." An English legal commentator noted that "it is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil's eyes than to go about in the sun hunting evidence" (Monk, 2000, 128).

In 1776, the right against self-incrimination was included in the Virginia Declaration of Rights for the Commonwealth of Virginia. At least three other states recognized this right and advocated that it be a part of the federal constitution. The right became a part of the Fifth Amendment to the U.S. Constitution.

In *Ashcraft v. Tennessee*, 322 U.S. 143 (1944), Justice Black stated:

> Our conclusion is that if Ashcraft made a confession it was not voluntary but compelled. We reach this conclusion from facts which are not in dispute at all. Ashcraft, a citizen of excellent reputation, was taken into custody by police officers. Ten days' examination of the Ashcrafts' maid, and of several others, in jail where they were held, had revealed nothing whatever against Ashcraft. Inquiries among his neighbors and business associates likewise had failed to unearth one single tangible clue pointing to his guilt. For 36 hours after Ashcraft's seizure, during which period he was held incommunicado, without sleep or rest, relays of officers, experienced investigators, and highly trained lawyers questioned

him without respite. From the beginning of the questioning at 7 o'clock on Saturday evening until 6 o'clock on Monday morning Ashcraft denied that he had anything to do with the murder of his wife. And at a hearing before a magistrate about 8:30 Monday morning Ashcraft pleaded not guilty to the charge of murder, which the officers had sought to make him confess during the previous 36 hours.

We think a situation such as that here shown by uncontradicted evidence is so inherently coercive that its very existence is irreconcilable with the possession of mental freedom by a lone suspect against whom its full coercive force is brought to bear. It is inconceivable that any court of justice in the land, conducted as our courts are, open to the public, would permit prosecutors serving in relays to keep a defendant witness under continuous cross-examination for 36 hours without rest or sleep in an effort to extract a "voluntary" confession. Nor can we, consistently with constitutional due process of law, hold voluntary a confession where prosecutors do the same thing away from the restraining influences of a public trial in an open court room.

The Constitution of the United States stands as a bar against the conviction of any individual in an American court by means of a coerced confession. There have been, and are now, certain foreign nations with governments dedicated to an opposite policy: governments which convict individuals with testimony obtained by police organizations possessed of an unrestrained power to seize persons suspected of crimes against the state, hold them in secret custody, and wring from them confessions by physical or mental torture. So long as the Constitution remains the basic law of our Republic, America will not have that kind of government.

In *Brown v. Mississippi*, 297 U.S. 278 (1936), Brown, a black man, was accused of murdering a white man. When he denied the accusation, a group of men seized him, and with the participation of the deputy, they hanged him by a rope to the limb of a tree. They let him down, hanged him again, and when he was let down the second time, he still protested his innocence. He was then tied to a tree and whipped, and still declining to accede to the demands that he confess, he was finally released and returned with some difficulty to his home, suffering intense pain and agony. The record of the testimony shows that the signs of the rope on his neck were plainly visible during the so-called trial. A day or two thereafter the said deputy, accompanied by another, returned to the home of the said defendant, arrested him, and departed with the prisoner toward the jail in an adjoining county, but went by a route which led into the State of Alabama. While on the way, in that state, the deputy stopped and again severely whipped the defendant, declaring that he would continue the whipping until he confessed. The defendant then agreed to confess to such a statement as the deputy would dictate, and he did so, after which he was delivered to jail. The Court reversed the conviction.

Probably few of us would approve the tactics used by prosecutors in the Ashcraft and Brown cases. What if the police do not actually use force or threaten the accused? What if the police merely fail to advise an accused of the right to remain silent? This issue was the focal point of *Miranda v. Arizona,* 384 U.S. 436 (1966). Chief Justice Earl Warren wrote that "even without employing brutality… the very fact of custodial interrogation exacts a heavy toll on individual liberty and trades on the weaknesses of individuals." Justice Warren noted that custodial interrogation is inherently coercive.

In the Miranda decision, the Court established the Miranda warning rule. Under the rule, individuals in custody must be advised of their rights before they are interrogated. Failure to adhere to the rule will make any statement given by the individuals inadmissible as evidence. The exceptions to this rule will be discussed later. The requirement appears at first glance to be a very clear rule, but when is an individual in custody and what constitutes interrogation or questioning?

An Accused's Right to Remain Silent?

Comments on *Salinas v. Texas*

U.S. Supreme Court 133 S. Ct. 2174 (2013)

The Supreme Court's decision in ***Salinas v. Texas*** in June 2013 questions the traditional understanding of the right to remain silent. Many unhappy individuals contend that the decision will encourage the kind of questioning tactics that frequently extract false confessions. The Court in a 5-4 decision held that the prosecution can use an individual's silence in response to a question, if they responded to other questions, as evidence of their guilt at trial.

At trial, prosecutors described what they claimed was an uncomfortable reaction on the part of Genovevo Salinas, an individual who was questioned by police after the murder of two brothers in a Houston, Texas home. There were no witnesses to the shooting. Salinas had been at the house the night before the shooting, agreed to give police his shotgun for testing when he was asked to come to the station to talk.

The police said he stopped talking, shuffled his feet, bit his lip and began to tighten up after they asked if the shells from the scene of the murder would match his shotgun. Prosecutors brought this up at trial even though Salinas didn't testify.

The decision indicates that if an accused is not in custody nor received Miranda warnings, and yet he voluntarily responded to some questions by police about a murder, the prosecution's use of his silence in response to another question as evidence of his guilty at trial does not violate the Fifth Amendment because the accused failed to expressly invoke his privilege not to incriminate himself in response to the officer's question.

The defense had argued that his Fifth Amendment right to remain silent was violated since he indeed remained silent. Justice Samuel Alito noted that Salinas was "free to leave at any time" and didn't expressly invoke his right to remain silent. Justices Clarence Thomas and Antonin Scalia joined Alito in his judgment but said they think that Salinas "had no rights at all to invoke before his arrest.

The problem with this case is that it is relatively easy for the government to claim that a suspect's reaction to an incriminating question suggests guilt—and very hard for a defendant to challenge that characterization. This is especially true because the kind of questioning at issue is usually informal, unregulated, and unrecorded.

In the dissenting opinion, Justice Stephen Breyer pointed out that the Court's ruling places the defendant in an impossible predicament. He must either answer the question or remain silent. If he answers the question, he may well reveal, for example, prejudicial facts, disreputable associates, or suspicious circumstances—even if he is innocent according to Justice Breyer.

The decision seems to imply that even if the suspect doesn't answer, police and prosecutors can now take advantage of the suspect's silence at trial. They may be able to even use the suspect's pausing or fidgeting against them.

Interrogation or Its Functional Equivalent

Miranda warnings are required when an in-custody suspect is interrogated. The courts have broadened the meaning of interrogation to include the "functional equivalent" of interrogation; for example, interrogation includes any words or actions by the police that the police should know are reasonably likely to elicit an incriminating response from the suspect (*Brewer v. Williams*, 430 U.S. 387 (1977)).

In *Rhode Island v. Innis*, 446 U.S. 291 (1980), the U.S. Supreme Court held that the focus in determining if interrogation has occurred is on the suspect. The subjective intentions of the officer to elicit incriminating responses are not the key. The test is whether the

MECHANICS OF THE MIRANDA WARNING

Miranda Advisement

- You have the right to remain silent.
- Anything you say can be used against you in court.
- You have the right to an attorney and to have the attorney present while you are being questioned.
- If you cannot afford an attorney, one will be appointed for you before any questioning begins.

Note: In *California v. Prysock,* 453 U.S. 355 (1981), the U.S. Supreme Court stated that it "never indicated that the rigidity of Miranda extends to the precise formation of the warning given a criminal defendant." Accordingly, it appears that the precise wording of the advisement is not required as long as the essential elements of the warning are conveyed.

officer should have known that the words or actions were likely to elicit an incriminating response from the suspect. Under this test, any peculiar susceptibilities of the suspect known to the police are relevant in determining what the officer should have foreseen as likely responses. In the Brewer case, the police knew that the suspect was deeply religious and that the officer's "Christian burial speech" would elicit an incriminating response from the suspect. In that case, a small child was missing, and the suspect was being transported by the police. Brewer had contacted an attorney and had invoked his Miranda rights. The officer made the comment that it would be nice to locate the body so that a good Christian burial would be conducted. The suspect told the police where the body could be found, and incriminating evidence was found there. The Court held that the comments of the officer were functionally equivalent to an interrogation, because they were designed to obtain information from the suspect.

In Custody

Under the Miranda definition, a person is in custody when the individual is otherwise deprived of freedom of action in any significant way. In *Berkemer v. McCarty*, 468 U.S. 420 (1984), the U.S. Supreme Court established an objective test to determine whether the suspect was in custody. The Court stated that an officer's unarticulated plan to arrest the suspect has no bearing on the question of custody. The only relevant inquiry, according to the Court, is how a reasonable person in the suspect's situation would have understood the situation.

The Court has made a distinction between *seizure* and *custody*. To constitute custody under Miranda, the loss of freedom must be significant. Stopping a motorist on a public road to issue a traffic citation may constitute a temporary seizure, but not custody for the purposes of Miranda requirements. In determining the custody question, the nature and seriousness of the crime in question is immaterial. Even a person arrested on a minor offense should be given the Miranda warnings prior to custodial interrogation. The location of the interrogation may have a bearing on the "in custody" issue, but it is not the key factor. In *Orozco v. Texas*, 394 U.S. 324 (1969), the defendant was determined to be in custody when he was interrogated in his bedroom, whereas in *Oregon v. Mathiason*, 429 U.S. 492 (1977), the accused was not considered in custody even though the questioning took place at the police station. In the latter case, the police had informed the suspect before the interrogation began that he was not in custody, and he was allowed to leave after the questioning was completed. In the Orozco case, the officers entered the accused's home at 4:00 AM. It was a forcible entry, and a reasonable person would have believed that the defendant was under arrest.

Is a Jailed Accused Always Considered in Custody?

The Supreme Court in its decision, ***Howes v. Fields***, 10–680 (2012) held that prosecutors may not need to read Miranda rights to inmates during jailhouse interrogations about crimes unrelated to their current incarceration. The high court, on a 6–3 vote, overturned a federal appeals court decision throwing out prison inmate Randall Lee Fields' conviction, holding that Fields was not in "custody" as defined by Miranda and therefore did not have to have his rights read to him.

Justice Samuel Alito, who wrote the majority opinion, stated that imprisonment alone is not enough to create a custodial situation within the meaning of Miranda. Three justices, Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor, dissented and said the court's decision would limit the rights of prisoners. Previous court rulings have required Miranda warnings before police interrogations for people who are in custody, which is defined as when a reasonable person would think he cannot end the questioning and leave.

Fields was serving a 45-day sentence in prison on disorderly conduct charges when a jail guard and sheriff's deputies from Lenawee County, Mich., removed him from his cell and took him to a conference room. The deputies, after telling him several times he was free to leave at any time, then questioned him for seven hours about allegations that he had sexually assaulted a minor. Fields eventually confessed and was charged and convicted of criminal sexual assault. Fields was convicted and sentenced to 10–15 years in prison. He appealed the use of his confession, saying that he was never given his Miranda rights on the sexual assault charges.

On appeal, the sixth Circuit Court of Appeals in Cincinnati threw out his confession and conviction, ruling that it is required that police read inmates their Miranda rights anytime they are isolated from the rest of the inmates in situations where they would be likely to incriminate themselves. The Supreme Court overturned that ruling. Justice Alito noted that not all restraints on freedom of movement amount to custody for purposes of Miranda. The justice stated that questioning an inmate doesn't bring the "shock" of arrest that free people experience and the coercive pressure that follows. He noted that there is also no hope for a quick release if the inmate talks to police, like there would be for a free person, and there is also no chance of a lighter sentence or any type of reprisal for not talking because the person is already in prison. According to the decision, the service of a term of imprisonment, without more, is not enough to constitute Miranda custody.

Justice Ginsburg contended that the majority looked to the wrong question in making its decision. She said the Court should consider whether Fields was subjected to incommunicado interrogation in a police-dominated atmosphere. She also said whether he was placed, against his will, in an inherently stressful situation, and whether his freedom of action was curtailed in any significant way.

After the Individual Invokes Miranda

If individuals indicate that they do not want to talk or want to see an attorney, questioning must immediately stop. In *Edwards v. Arizona*, 451 U.S. 477 (1981), the U.S. Supreme Court held that when an accused has invoked the right to have counsel present during a custodial interrogation, a valid waiver of that right cannot be established by showing only that a response was given to further police-initiated custodial interrogation, even if the individual has been advised of his or her rights. An accused, having expressed the desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available, unless the accused initiates further communication, exchanges, or conversations with the police. The Court stated that "this rule is designed to prevent police from badgering a defendant into waiving his previously asserted Miranda rights."

In *Fare v. Michael C.*, 442 U.S. 707 (1979), the Court referred to Miranda's "rigid rule that an accused's request for an attorney is *per se* an invocation of his Fifth Amendment rights, requiring that all interrogation cease." And, in a case where a suspect in custody had invoked his Miranda right to counsel, the Court again referred to the "undisputed right" under Miranda to remain silent and to be free of interrogation "until he had consulted with a lawyer."

The Court has held that after initially being advised of Miranda rights, the accused may validly waive the rights and respond to interrogation. In *North Carolina v. Butler*, 441 U.S. 369, 374–375 (1979), the Court indicated that additional safeguards were necessary when the accused asks for counsel. The Court held that when an accused has invoked the right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by merely showing that the accused responded to further police-initiated custodial interrogation, even if the individual has been advised of his or her rights. The Court noted in Edwards that once an accused has expressed the desire to deal with the police only through counsel, the individual is not subject to further interrogation by the authorities until counsel has been made available, unless the accused initiates further communication, exchanges, or conversations with the police.

In *Oregon v. Elstad,* 52. 470 U.S. 298 (1985), the Supreme Court held that the Self-Incrimination Clause of the Fifth Amendment does not require the suppression of a confession, made after proper Miranda warnings and a valid waiver of rights, solely because the police had obtained an earlier voluntary but unwarned admission from the suspect. The Court noted that a procedural Miranda violation differs in significant respects from violations of the Fourth Amendment, which have traditionally mandated a broad application of the "fruits" doctrine that required exclusion as "fruit of the poisonous tree" of evidence discovered because of an unconstitutional search. The Fifth Amendment prohibits use by the prosecution in its case in chief only of compelled testimony, and failure to administer Miranda warnings creates a presumption of compulsion, requiring that unwarned statements that are otherwise voluntary within the meaning of the Fifth Amendment be excluded from evidence.

The Supreme Court also held in the Elstad case that the Miranda presumption does not require that fruits of otherwise voluntary statements be discarded as inherently tainted. It is an unwarranted extension of Miranda to hold that a simple failure to administer the warnings, unaccompanied by any actual coercion or other circumstances calculated to undermine the suspect's ability to exercise his free will, so taints the investigatory process that a subsequent voluntary and informed waiver is ineffective for some indeterminate period (pp. 470 U.S. 304–309).

Language Problems

If there is a question as to whether the suspect understands the English language, the officer should delay questioning until the suspect may be advised of the rights in his or her native language. As the U.S. District Court in Kansas noted in *United States v. Castorena-Jaime*, 117 F. Supp. 2d 1161 (2000), language barriers are a factor to consider, because they may impair a suspect's ability to act knowingly and intelligently. Language is not a stumbling block when the suspect is also advised of the rights in a language that is ostensibly understood. It becomes a more difficult problem when the Miranda rights are given in English only. In these instances, the courts consider what effort the officer made to communicate, whether the defendant responded that the rights were understood or ever indicated that they were not understood, and what the defendant displayed in English language skills.

The U.S. Court of Appeals for the Sixth Circuit found an English-only Miranda warning insufficient where the defendant was a West German national who had resided in the United States only three months, could not drive, had no friends in the United States other

than her husband, and spoke only broken English [*United States v. Short*, 790 F.2d 464, 469 6th Cir. (1986)]. The Court looked to several other factors in reaching this conclusion. The defendant was not familiar with the American criminal justice system. A social services officer present during the interrogation testified that she questioned whether the defendant understood the implications of the answers and that she thought the defendant appeared ignorant and evidenced judgment limitations. The magistrate judge appointed an interpreter for her at trial. The defendant's written statement contained language that obviously was not hers, and the statement appeared, at best, to be the agent's interpretation of her halting English.

Fruit of the Poisonous Tree

The **Fruit of the Poison Tree Doctrine** holds that evidence obtained by exploiting an unreasonable search or seizure is subject to suppression at trial. According to Rutledge, what judges and lawyers refer to as the *derivative evidence exclusionary rule* basically makes any evidence inadmissible if it was derived from an earlier violation of the defendant's constitutional rights. Devallis Rutledge is a former police officer and chief prosecutor for the Los Angeles County District Attorney's Office.

"Fruit of the Poison Tree" Doctrine A rule of evidence that holds that evidence obtained by exploiting an unreasonable search or seizure is subject to suppression at trial.

Rutledge questions whether the same consequence follows from the failure to follow the Miranda procedures. According to Rutledge, if you learn the whereabouts of contraband or evidence from a statement that doesn't comply with Miranda, the contraband or evidence is not required to be suppressed as "poisonous fruit" of the inadmissible statement.

Rutledge claims that the Miranda rule is an admissibility rule for criminal trial judges. All Miranda ever said was that courts could not admit as evidence of guilt a statement obtained by custodial interrogation, unless the defendant had first been told of the rights and had agreed to waive them and talk: "Miranda conditioned the admissibility at trial of

"Despite what lower courts might sometimes incorrectly rule, failing to Mirandize a suspect does not violate the Fourth Amendment."

—Devallis Rutledge (2004, 82–84)

WHEN HAS A SUSPECT INVOKED MIRANDA RIGHTS?

Some examples of how the courts have interpreted whether the defendant invoked rights under Miranda:

- "I guess I need a lawyer." [*People v. Zolnay*, 15 Cal. 3d 729 (1975)]
- "Is there an attorney here, present, close?" [*People v. Duran*, 132 Cal. 3d 156 (1982)]
- "Well, maybe I should talk to my attorney, Mr. Corbin." [*People v. Munoz*, 83 Cal. App. 3d 993 (1978)]
- "I don't know if I should have a lawyer here or what…." [*People v. Russo*, 148 Cal. App. 3d 1172 (1983)]
- "Does an accused's request for counsel at an initial appearance on a charged offense constitute an invocation of his Fifth Amendment right to counsel that precludes police-initiated interrogation on unrelated, uncharged offenses?" The U.S. Supreme Court said no in *McNeil v. Wisconsin*, 501 U.S. 171 (1991).

Compare the preceding decisions with the following court decision, which held that the defendant's statement did not invoke his Miranda rights:

- "Um-hmm yeah. If I want an attorney, I got to wait all day…" and "I need one, but you can go ahead and ask me questions." [*People v. Smith*, 187 Cal. App. 3d 666 (1982)]

any custodial confession, on warning a suspect of his rights." To support his contentions, he cites two cases: *Missouri v. Seibert*, 159 L. Ed. 2d 643 (2004) and *United States v. Patrone*, 948 F.2d 813 1st Cir. (1991).

A number of previous court decisions, grasping the distinction between Miranda and the Constitution, had already rejected a *fruit of the poison tree* extension of Miranda, allowing limited uses of statements and their derivative evidence. Examples of these limited uses include:

- Locating witnesses to the crime. [*Michigan v. Tucker*, 417 U.S. 433 (1974)]
- Impeaching the defendant's trial testimony. [*Harris v. New York*, 401 U.S. 222, (1971) and *Oregon v. Hass*, 420 U.S. 714 (1975)]
- Probable cause for arrest. [*United States v. Morales*, 834 F.2d 35, 38 2d Cir. (1987)]
- Probable cause for a search warrant. [*United States v. Patterson*, 812 F.2d 1188 9th Cir. (1987)]
- Recovery of physical evidence. [*United States v. Villalba-Alvarado*, 345 F.3d 1007 8th Cir. (2003)]

Note: Actual coercion, such as mistreatment or the use of threats or overbearing promises of leniency, may make a statement and its derivative fruits completely inadmissible for any purpose, and may cause civil liability if found to be so egregious as to "shock the conscience."

Exceptions to Miranda

These are the major exceptions to using admissions obtained in violation of the Miranda requirements:

- The use of voluntary statements taken without complying with the Miranda requirements for purposes of impeaching the defendant's testimony at trial—"Miranda does not give the defendant the right to lie on the stand."
- Public safety exception—when necessary to obtain information immediately.
- Where the suspect is being interrogated by an undercover agent and the suspect does not know that the agent is a law enforcement officer.

In *Harris v. New York* 401 U.S. 222 (1971), the defendant took the witness stand and denied being involved in drugs. When arrested, he had given a statement to the police regarding his drug involvement, but the defendant had not been warned as required by the Miranda case. During cross-examination at his trial, the defendant was questioned by the prosecutor regarding specific statements he had made to the police immediately following his arrest. The statements contradicted the defendant's direct testimony at trial, and the state sought to impeach the defendant with his statements; however, the State had conceded that the statements were inadmissible under Miranda during the prosecution's case. The defendant was convicted of selling heroin to an undercover police officer. On appeal, the U.S. Supreme Court held that the failure to comply with Miranda did not prevent the state from using the defendant's statement when the defendant gave conflicting testimony at trial. The Court concluded that his credibility was appropriately impeached by use of his earlier conflicting statements. The Court indicated that Miranda did not provide a shield that permitted defendants to give false testimony at trial time.

Two state supreme courts, California and Hawaii, adopted a stricter standard and do not allow the use of the statements. In both states, the state legislatures passed statutes allowing the use of the statements for impeachment purposes as long as the statements met the voluntary test.

In *Michigan v. Tucker*, 417 U.S. 433 (1974), during a custodial interrogation, the defendant gave police the name of an alibi witness. The witness gave incriminating evidence to police. A defective Miranda warning was given to the defendant prior to him making the statement. The U.S. Supreme Court noted that the respondent had been apprised of his right to counsel, that the respondent stated that he did not want one, and that the only defect was the failure to inform him that counsel would be provided free if he could not afford one. The Court held that this was a far cry from the compulsory incrimination prohibited by the Fifth Amendment, which Miranda was designed to prevent. The Court held that this failure did not require the exclusion of evidence obtained as a result of the statement, particularly where the statement itself was excluded. The Court noted the defendant's statement was not involuntary, and that the trustworthiness of the witness's evidence was not implicated by the circumstances surrounding his interrogation. **Note:** The statement was not admissible, but the evidence obtained as the result of the statement—that is, the alibi witness's testimony—was admissible.

The public safety exception was addressed in the case of *New York v. Quarles*, 467 U.S. 649 (1984). Benjamin Quarles was charged in a New York trial court with criminal possession of a weapon. The trial court suppressed the gun in question, as well as a statement made by the respondent, because the statement was obtained by police before they read the respondent his Miranda rights. That ruling was affirmed on appeal through the New York Court of Appeals. The U.S. Supreme Court reversed and concluded that under the circumstances involved in the case, overriding considerations of public safety justified the officer's failure to provide Miranda warnings before he asked questions devoted to locating the abandoned weapon.

The record showed that a woman approached two police officers who were on road patrol, told them that she had just been raped, described her assailant, and told them that the man had just entered a nearby Safeway supermarket and was carrying a gun. While one of the officers radioed for assistance, the other (Officer Kraft) entered the store and spotted Quarles, who matched the description given by the woman. Quarles ran toward the rear of the store, and Officer Kraft pursued him with a drawn gun, but lost sight of him for several seconds. Upon regaining sight of him, Officer Kraft ordered him to stop and put his hands over his head, frisked him, and discovered that he was wearing an empty shoulder holster. After handcuffing him, Officer Kraft asked him where the gun was. Quarles nodded toward some empty cartons and responded that "the gun is over there." Officer Kraft then retrieved the gun from one of the cartons, formally arrested the respondent, and read him his rights under Miranda. Quarles indicated that he would answer questions without an attorney being present and admitted that he owned the gun and had purchased it in Florida. The trial court excluded his initial statement and the gun because he had not yet been given the Miranda warnings, and also excluded the respondent's other statements as evidence tainted by the Miranda violation. Both the Appellate Division of the New York Supreme Court and the New York Court of Appeals affirmed. The U.S. Supreme Court reversed and held that the statements were admissible because the officer's actions were reasonable based on public safety.

An undercover law enforcement officer posing as a fellow inmate was not required to give Miranda warnings to an incarcerated suspect before asking questions that could elicit an incriminating response because no custodial interrogation occurred [*Illinois v. Perkins*, 496 U.S. 292 (1990)]. **Note:** In the Perkins case, the accused had not been formally charged and therefore the Sixth Amendment prohibition against interrogating a person without the accused's attorney present did not apply.

The Court in the Perkins case stated that the Miranda doctrine must be enforced strictly, but only in situations where the concerns underlying that decision are present. Those concerns are not implicated in Perkins, since the essential ingredients of a "police-dominated atmosphere" and compulsion are lacking. It is Miranda's premise that the danger of coercion results from

the interaction of custody and official interrogation, whereby the suspect may feel compelled to speak due to fear of reprisal for remaining silent or in the hope of more lenient treatment should a confession be made. That coercive atmosphere is not present when an incarcerated person speaks freely to someone who is believed to be a fellow inmate and who is assumed not to be an officer having official power over the incarcerated person. In such circumstances, Miranda does not forbid mere strategic deception by taking advantage of a suspect's misplaced trust.

The Court noted that the only difference between the Perkins case and *Hoffa v. United States*, 385 U.S. 293—which upheld the placing of an undercover agent near a suspect in order to gather incriminating information—was that Perkins was incarcerated. Detention, however, whether or not for the crime in question, does not warrant a presumption that such use of an undercover agent renders involuntary the incarcerated suspect's resulting confession. *Mathis v. United States*, 391 U.S. 1, held that an inmate's statements to a known agent were inadmissible because no Miranda warnings were given. When suspects do not know that they are speaking to a government agent, there is no reason to assume the possibility of coercion. *Massiah v. United States*, 377 U.S. 201, and similar cases—which held that the government may not use an undercover agent to circumvent the Sixth Amendment right to counsel once a suspect has been charged—were inapplicable in Perkins, because here no murder charges had been filed at the time of the interrogation. Also, unavailing was Perkins' argument that a **bright-line rule** for the application of Miranda is desirable, since the Court noted law enforcement officers will have little difficulty applying the holding of the Perkins case.

bright-line rule A rule that has been established by court decisions that provides clear guidance to police officers.

In Perkins, the undercover officer questioned the uncharged suspect. In *Kuhlmann v. Wilson*, 477 U.S. 436 (1986), the U.S. Supreme Court noted that the Sixth Amendment did not forbid the admission in evidence of an indicted defendant's statements to a jailhouse informant who was "placed in close proximity but made no effort to stimulate conversations about the crime charged."

May Congress Overturn the Miranda Requirements?

Does the U.S. Congress have the authority to pass legislation that overturns the Miranda requirements? This question has been the subject of numerous debates among constitutional scholars. On several occasions, legislation has been introduced that would overturn the requirements. The proposals have never been enacted into law. The U.S. Supreme Court addressed this issue in *Dickerson v. United States*, 530 U.S. 428 (2000).

CASE STUDY | How Would You Rule?

Assume that you are the trial judge in the *State v. Allen* case in which the defendant Allen is being tried for murder. Would you allow Allen's statements to be admitted into evidence? Would you allow the gun to be admitted into evidence? If fingerprints were taken from the gun, would the fingerprints be admissible?

Facts: On the night of September 9, Sacramento Police Officer Haynes responded to a report that a father had shot his son. Haynes arrived at the intersection of East Levee Road and Northgate Boulevard, and was met by Leon Danker, an eyewitness to the shooting. Danker informed Haynes that he heard gunshots, and later saw that the victim's head was bleeding.

Danker, who was homeless, led Haynes to his campsite. Allen's son, Steve, was there, lying in a sleeping bag with his head in a pool of blood from a gunshot wound to the head. Danker's campsite was located under a tree and was covered by bushes. Allen lived in a nearby campsite. Officer Haynes was soon after joined by Officer Hill and a police dog. They searched the campsites and nearby vicinity, but were unable to find Allen or the gun.

Officers Miller and Louie heard a broadcast of the shooting and description of Allen. As these officers searched along Del Paso Boulevard, they observed Allen at a gas station pay phone, about a mile and a half from the crime scene. The officers took him

into custody, but did not inform him of his Miranda rights. They performed a pat-down search of Allen and found a kitchen knife in his right front pants pocket. A search of the immediate area and the phone booth did not reveal any other weapons, but an open 12-pack of beer was found on the ground near where Allen was arrested.

Officers Hahn and Martin, who had been at the crime scene, went to assist Officers Louie and Miller. After Allen was identified by Danker, Officers Hahn and Martin took custody of Allen, and escorted him back to the crime scene. They did not give Allen Miranda warnings, but while in the police car, Officer Martin stated to Allen that "the weapon used was supposedly a gun," but that no gun had been found. The officer then told Allen that "if the wrong person found the gun, it could hurt someone else."

Upon arriving at the crime scene, the following conversation took place between Allen and Officer Martin:

ALLEN: How is he? Is he going to make it?

OFFICER: I don't know.

ALLEN: I want to go see the body. He's not supposed to die.

OFFICER: I can't do that. The body is at UCD Med Center.

ALLEN: Is he still alive? Just tell me he is still alive.

OFFICER: I don't know. As far as I know, he is.

ALLEN: I think I can show you where the gun is.

OFFICER: Will you try? If not, someone can get hurt with that same gun.

ALLEN: I'm not positive because I blacked out, but I am pretty sure I can. If you and maybe one other officer go with me, I'll try. We have to walk. Its [sic] about 20 to 30 minutes [sic] walk from here. Tell me my son is not going to die. He's not supposed to die.

OFFICER: At this point he's being worked on at the Med Center. What his condition is, I don't know.

ALLEN: I don't want this to happen to someone else. I think I can show you. The gun is in a black backpack. We have to start at the bridge on Northgate south of the levee.

[To see how the U.S. Court of Appeals for the Ninth Circuit ruled on the issue, read *Allen v. Roe*, 305 F.3d 1046 (2002). Why is the case named *Allen v. Roe* rather than *State v. Allen*? Because Allen, while in a California prison, filed a writ of *habeas corpus* in federal court stating that his conviction violated his federal constitutional rights. Roe was the state prison warden, i.e., the individual restraining the freedom of Allen.]

The Court stated that Congress may not legislatively supersede our decisions interpreting and applying the Constitution. This issue therefore turns on whether the Miranda Court announced a constitutional rule or merely exercised its supervisory authority to regulate evidence in the absence of congressional direction. The Court stated that "relying on the fact that we have created several exceptions to Miranda's warnings requirement and that we have repeatedly referred to the Miranda warnings as prophylactic, and not themselves rights protected by the Constitution, the Court of Appeals in the Dickerson case [wrongly] concluded that the protections announced in Miranda were not constitutionally required." The Court noted that many of its subsequent cases have also referred to Miranda's constitutional underpinnings. The Court also stated, "Prophylactic though it may be, in protecting a defendant's Fifth Amendment privilege against self-incrimination, Miranda safeguards a fundamental trial right."

II HOW WOULD YOU RULE?

Michael Shatzer, Sr. was incarcerated in the Maryland Correctional Center serving a sentence for an unrelated offense of child-sexual abuse. He was questioned by a social worker regarding allegations that he had sexually abused his three-year-old son. He signed a waiver of his Miranda rights. When the social worker started questioning him regarding the abuse of his son, Shatzer stated that he was confused and was not capable of understanding the questions. He added that he thought that the social worker was there to question him about his pending unrelated child abuse case. Shatzer then declined to answer any additional questions until his attorney was present.

Two years and six months later the same social worker started a new interview with the still confined Shatzer about the same allegations of sexual abuse of his son. Shatzer executed a written waiver of his Miranda rights and stated that he did not order his son to perform fellatio on him but did admit that he masturbated in front of his son.

Five days later after obtaining another Miranda waiver and failing a polygraph examination Shatzer was questioned by a detective. Shatzer stated he didn't force his son to perform fellatio but admitted that the act was performed. Shatzer was charged with second-degree sexual offense under Maryland's criminal code.

At the trial, defense moved to suppress the statements. The defense noted that the Supreme Court had held in *Arizona v. Roberson,* 486 U.S. 675, 681 (1988), that once a suspect indicates that he is not capable of undergoing custodial questioning without advice of counsel, any subsequent waiver that has come at the authorities' behest, and not at the suspect's own instigation, is itself the product of the inherently compelling pressures and not the purely voluntary choice of the suspect.

How would you rule on the motion to suppress the statements? For the Supreme Court's ruling see *Maryland v. Shatzer*, 559 U.S. 98 (2010).

▶ Voluntariness of a Confession

Even if the Miranda requirements are complied with, the confession or other statement taken from a suspect must meet the voluntariness test. Earlier in this chapter, the tactics used in Brown and Ashcraft to obtain a confession were discussed. While those two cases establish that there are definite limitations on police conduct in many cases, the distinction between what is permissible and what is illegal conduct is not so clear.

Several states have passed legislation or rules of criminal procedure to provide the police with a bright-line rule as to what is permissible and what is not when interrogating a suspect. A typical procedural rule is the State of New York's rule:

§ 60.45. New York Rules of evidence; admissibility of statements of defendants (NY CLS CPL § 60.45 (2006))

1. Evidence of a written or oral confession, admission, or other statement made by a defendant with respect to his participation or lack of participation in the offense charged, may not be received in evidence against him in a criminal proceeding if such statement was involuntarily made.
2. A confession, admission, or other statement is "involuntarily made" by a defendant when it is obtained from him:

    a. By any person by the use or threatened use of physical force upon the defendant or another person, or by means of any other improper conduct or undue pressure which impaired the defendant's physical or mental condition to the extent of undermining his ability to make a choice whether or not to make a statement; or

    b. By a public servant engaged in law enforcement activity or by a person then acting under his direction or in cooperation with him:

        i. by means of any promise or statement of fact, which promise or statement creates a substantial risk that the defendant might falsely incriminate himself; or

        ii. in violation of such rights as the defendant may derive from the constitution of this state or of the United States.

The New York Committee that drafted this rule noted in its comments that:

The logical rule with respect to a confession or other inculpatory statement of a defendant would probably be that it is always admissible as an admission against interest, but that its weight and truth may and should be reduced or discounted in the eyes of the triers of the facts by evidence that it was involuntarily made. In the case of statements made to law enforcement and other public officials, however, it has long been a public policy doctrine that proof of involuntariness precludes admissibility thereof. Although Criminal Code § 395 [prior rule] rendered inadmissible an involuntary statement made to

"a private person" as well as one made "in the course of judicial proceedings," the term *private person* is intended to embrace public officers (*People v. Rogers*, 1908, 192 NY 331, 350, 85 NE 135);

and, indeed, the only real importance of the inadmissibility rule lies in its application to statements made to public servants or to persons acting under their direction or in cooperation with them. The new rule limits its scope.

Subdivision 2 excludes from evidence every such statement obtained by any kind of pressure or under any circumstances that the courts and fair-minded people in general do or might consider coercive, unjust, improper, or in any way conducive to possible false self-incrimination.

Judicial Decisions on Voluntariness of Statements

Court decisions on the voluntariness of statements are founded on either the concept that some police misconduct may produce a confession from an innocent person or the admission of evidence obtained by such means is an affront to the integrity of the judicial system. The problem for law enforcement officers is that appellate courts differ on what constitutes misconduct sufficient to hold a statement inadmissible.

The issue of voluntariness concerns police or law enforcement tactics. If a confession is obtained without the knowledge or participation of the police, or if police participation is sufficiently limited, the confession is fully admissible at a trial [*People v. Jones* (1978, New York 2d Dept) 402 NYS2d 28, (affirmed on appeal) 393 NE2d 443 (1979)]. In the Jones case, security personnel at a major department store may have used unwarranted tactics with a suspected shoplifter, but since the police were not involved, the suspect's statement was admissible.

One court noted that in determining whether a confession was voluntary, bearing on the personal characteristics of the confessor, consideration should be given to age, education and intelligence, physical and emotional condition at the time of the interrogation, and prior experience with the police. Those factors which, on the other hand, must be looked at to determine the amount of police pressure used to induce the confession include the length of interrogation and delay in arraignment; the general conditions under which the interrogation took place; any extreme psychological or physical pressure; possible inducements, methods, and stratagems that were used by the police; and, of course, whether the confessor was apprised of the right to counsel and privilege against self-incrimination [*State v. Wallace*, 207 N.W.2d 855 Wis. (1973)].

The U.S. Supreme Court [*Rogers v. Richmond*, 365 U.S. 534 (1961)] stated that the attention of the trial judge should be focused, for purposes of the U.S. Constitution, on the question of whether the behavior of the State's law enforcement officials was such as to overbear the petitioner's will to resist and bring about confessions not freely self-determined—a question to be answered with complete disregard of whether or not the petitioner in fact spoke the truth. The employment of a standard infected by the inclusion of references to probable reliability resulted in a constitutionally invalid conviction, pursuant to which Rogers is now detained "in violation of the Constitution." A defendant has the right to be tried according to the substantive and procedural due process requirements of the Fourteenth Amendment. This means that a vital confession, such as is involved in this case, may go to the jury only if it is subjected to screening in accordance with correct constitutional standards.

Following are some examples of confessions that were considered by the courts as voluntary:

- The defendant claimed that he confessed only because God told him to confess. [*Colorado v. Connely*, 107 S.Ct. 515 (1986)]

- At the time of the confession, the defendant has a .20 blood alcohol level. [*People v. Murtishaw*, 29 Cal. 3d. 733 (1981)]
- The defendant was under the influence of drugs at the time of his confession, but his responses to the questions were coherent. [*People v. Missin*, 128 Cal. 3d 1015 (1982)]

Burden of Proof

The burden of showing that a confession of crime has not been obtained by improper means, that it is a voluntary act, uninduced by hope of favor or fear of harm, is one which the law casts upon the state (*Nicholson v. State*, 38 Md. 140; *Green v. State*, 96 Md. 384, 54 A. 104; *Bram v. United States*, 168 U.S. [532], 571, 18 S. Ct. 183, 42 L. Ed. 568; *Watts v. State*, 99 Md. 30, 57 A. 542; *Toomer v. State*, 112 Md. [285] 292, 76 A. 118). When the prosecution fails to meet this obligation, it is improper to admit the confession.

Length of Interrogation

Compare the interrogation tactics discussed earlier in the Ashcraft case with those in *People v. House*, 566 N.E. 2d 259 (1990). In House, the defendant was held in an interview room for 49 hours and questioned intermittently by the police. He was given his rights and did not request an attorney. He also did not complain of mistreatment during the questioning. He was not handcuffed, was allowed to use the restroom, and was fed at regular intervals. The Illinois Supreme Court found that the confession was voluntary. The state court noted:

> Although, as we have indicated, the deprivation of basic facilities is a factor to be considered against the State, the "stark environment" of the interview room is not so weighty a factor as the defendant contends. A jail cell is hardly a paradise for the senses, yet defendants properly processed and charged can be held there for lengthy periods of time.
>
> We now turn to the duration of the defendant's detention in the interview room. Although we do not believe this factor, considered with others present here, should render this defendant's statement involuntary, and although we realize that the drawing of a bright line would be unworkable given the totality-of-the-circumstances standard we must apply, this is perhaps the appropriate case to caution the police regarding brinkmanship. Given even a slightly different set of circumstances, the result might very well have been different. Having said that, we find here that the length of time the defendant was detained prior to his statements is not such a great departure from established precedents that it requires suppression of the defendant's statements.

While the length of detention is a very important consideration in determining whether statements or a confession were voluntarily made, in *State v. Herrington*, 165 N. W. 2d 120 (1969) the U.S. Supreme Court considered the threshold question is whether the period of detention was unreasonably long in the first instance. Statements made during a period of unreasonable detainment will be excluded in most states whether voluntary or involuntary. As to the time factor, Inbau et al. (2004, 596) opined that a competent interrogator will rarely require more than four hours to obtain a confession from an offender. They also contend that the suggested four-hour or less rule is less likely to be viewed by a court or jury as unreasonable than one that is extended over a longer period of time.

Psychological Coercion

In this section, we will examine how the psychological persuasion tactics used by the police affect the admission of a confession. The leading case on the use of psychological coercion is *Spano v. New York*, 360 U.S. 315 (1959).

After having been indicted in a New York State court on a charge of murder, Spano was subjected to prolonged interrogation by numerous law enforcement officers beginning in the early evening and continuing into the night and following morning. The defendant's requests to see his attorney were denied. The court held that his will, in accordance with his attorney's instructions, not to answer questions of the police, was overborne by official pressure, fatigue, and sympathy falsely aroused. In the latter respect the record disclosed that a police officer, a relative of the defendant, whom the defendant had first contacted by telephone, was instructed by his superiors to falsely state that because of this telephone call his job was in jeopardy, and that loss of his job would be disastrous to his three children, his wife, and his unborn child. At the trial, the confession was introduced in evidence over appropriate objections. The jury returned a verdict of guilty and the defendant was sentenced to death. The New York Court of Appeals affirmed the conviction over three dissents. The U.S. Supreme Court reversed and held that the confession was involuntary.

The U.S. Supreme Court noted in *Arizona v. Fulminante*, 499 U.S. 279 (1991) that a finding of coercion does not need actual physical violence by a government agent and that a credible threat is sufficient. The Court stated that "coercion can be mental as well as physical, and… the blood of the accused is not the only hallmark of an unconstitutional inquisition." In *Payne v. Arkansas*, 356 U.S. 560 (1958), the Court found that a confession was coerced because the interrogating police officer had promised that if the accused confessed, the officer would protect the accused from an angry mob outside the jailhouse door.

In the case of *Biscoe v. State*, 67 Md. 6, 8 A. 571, the in-custody defendant, although pressed often to make a confession, persisted in denying his guilt. It was not until he was told by the committing magistrate, "that it would be better for him to tell the truth, and have no more trouble about it," that he confessed. A Maryland appellate court held that the confession was inadmissible. The appellate court noted that a simple caution to the accused to tell the truth, if he says anything, was permissible. But where the admonition to speak the truth has been coupled with an expression importing that it would be better for him to do so, makes the confession inadmissible. The court found that the objectionable words "being that it would be better to speak the truth, because they import that it would be better for him to say something" was a warning not to remain silent.

In *United States v. Jackson*, 918 F.2d 236 1st Cir. Mass. (1990), the defendant confessed that a firearm was his. He contended on appeal that his confession was based on an indirect threat by the police that if he did not confess that his sister would be prosecuted. The U.S. Court of Appeals held that the confession was voluntary. The appellate court noted that there was no evidence that he was subjected to direct threats or promises. Moreover, even if the court were to assume that the police did use an implied "threat" or "promise" that Jackson's sister might be caused or spared harm, depending on whether or not Jackson admitted ownership of the firearm, the court still could not conclude that his will was overborne. The court noted that Congress and the courts have indicated that to determine voluntariness it is necessary to look at the totality of the circumstances, including any promises or threats made by police officers or the prosecution, in order to see whether the will of the accused was overborne.

The court also noted that there was no evidence that an especially close relationship existed between Jackson and his sister, or that Jackson was unusually susceptible to psychological coercion on that account or any other, particularly in light of Jackson's very substantial previous experience with the criminal justice system. The totality of these circumstances indicates that Jackson did not lose volitional control, nor was his will overborne.

A threat to send the suspect to prison for a more serious offense unless he admits to the present offense was considered by one court as a coercive threat [*State v. Harvey*, 259 P. 21 (1927)]. A similar holding was reached in California, where a juvenile was

threatened with prosecution as an adult and a prison term unless he admitted he committed the crime [*In re G.*, 125 Cal. Rptr. 625 Cal. App. 2d Dist. (1975)].

In the *In re G.* case, the court stated that the voluntary or involuntary nature of the *statement* "does not depend upon the bare language of the inducement but rather upon the nature of the benefit to be derived by a defendant if he speaks the truth, as represented by the police." The court noted that while the interrogating officers used bare language informing the juvenile that they could not promise probation or parole, they made it crystal clear to him that he had no hope of anything other than incarceration if he did not confess. The interrogators sought to convey to the juvenile that as police, they had the power to determine whether he would be tried as an adult and sentenced to state prison for life, and that they would exercise that power if he did not admit his part in the crime.

In *Leyra v. Denno*, 347 U.S. 556 (1953), the U.S. Supreme Court held that a confession should be excluded. In that case, a police psychiatrist posing as a physician urged the defendant to confess to a murder of which the defendant was accused. The confession was made, but the Court barred its use as evidence at trial. The Court in that case also considered the defendant's fatigue and susceptibility to suggestion to make the method of obtaining the confession constitutionally impermissible.

When an issue of fact arises as to the influence of fear produced by threats and confessions made under inducement, it is not a question of law for the court to decide, but a question of fact for the jury under proper instructions. Where threats or inducements are conceded by the state or where facts are admitted, which as a matter of law constituted threats or inducements, it is a question of law for the court [*State v. Seablom*, 103 Wash. 53 (1926)].

In *McCalvin v. Yukins*, 2006 FED App. 0119P 6th Cir. (2006), the U.S. Court of Appeals examined the claim that Traci L. McCalvin's confession was involuntary. McCalvin was convicted of second-degree murder. During her state criminal trial, she moved to suppress her confession, but the trial court denied the motion. A federal district court found her confession involuntary because, among other things, a detective told her that if she were convicted of first-degree murder, she would not have contact with her family, including her children. The U.S. Court of Appeals reversed the district court's decision and held that the confession was admissible.

McCalvin had been interrogated for several hours before a Detective Helgert took over the interrogation for approximately the next one and one-half hours. McCalvin declined any food, coffee, or water. For the first 30 to 45 minutes, McCalvin continued to maintain that the death was an accident. During this time, however, Helgert became more confrontational. He told McCalvin that the officers did not believe her. He gave her a "hook," a question aimed to get a defendant to admit to a crime while simultaneously shifting the blame away, by asking McCalvin if she had merely tried to scare Branch by driving toward her. McCalvin testified at her trial that Helgert told her that if she changed her story, the prosecutor might drop the charges. She also testified that Helgert told her that she could go home if she changed her story to say that she had intended to only scare Branch. Helgert never admitted to promising McCalvin anything, but he testified that he told McCalvin that if she went to prison for first-degree murder, she would spend the rest of her life in prison and would not have contact with her family, including her children.

The appellate court noted that the district court had relied on the decision in *United States v. Tingle*, 658 F.2d 1332 9th Cir. (1981), but stated that Tingle is distinguishable. In Tingle, an FBI agent told the defendant that she would not see her child "for a while" if she went to prison; however, unlike this case, the agent promised the defendant that her cooperation would be communicated to the prosecutor, but if the defendant refused to cooperate the agent threatened to tell the prosecutor that she was "stubborn or hard-headed." Finally, the defendant sobbed and was noticeably shaking for at least 10 minutes before confessing. In this case, the agent testified that Tingle appeared unemotional. The appellate court stated that while it did not approve of the tactics used by the interrogator, the confession was voluntary.

In *Colorado v. Spring*, 479 U.S. 564 (1987), the U.S. Supreme Court held that the inquiry of whether a waiver of the right to remain silent is coerced has two distinct dimensions. First, the relinquishment of the right must be voluntary in the sense that it is the product of a free and deliberate choice rather than intimidation, coercion, or deception. Second, the waiver must be made with a full awareness both of the nature of the right being abandoned and the consequences of the decision to abandon it. Only if the totality of the circumstances surrounding the interrogation reveals both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the Miranda rights have been waived.

Promises

In this section, we will examine the affect of promises on the question of the admissibility of a confession. A confession obtained by promises of immunity or mitigation of punishment is inadmissible [*Ashby v. State* (1976), 265 Ind. 316, 354 N.E.2d 192]; however, vague and indefinite statements by the police such as "seeing what they could do for him" or "it would be in his best interest to tell the real story" are not sufficient inducements to preclude use of a confession obtained thereby [*Ortiz v. State* (1976), 265 Ind. 549, 356 N.E.2d 1188; *Perry v. State* (1978), 176 Ind. App. 120, 374 N.E.2d 558]. The promise to "help in every way he could" is also too vague and indefinite to constitute the type of an inducement that renders a confession involuntary.

In *Freeman v. State*, 258 Ark. 617, 527 S.W. 2d 909 (1975), the prosecuting attorney had simply stated that if the defendant made the confession, "he could not make any promises but that if he had committed a crime it was probably one that would not result in more than 21 years incarceration." The Arkansas appellate court noted that there is a presumption that an in-custody confession is involuntary and the burden is upon the state to show the statement to have been voluntarily, freely, and understandably made, without hope of reward or fear of punishment. It was undisputed that the deputy sheriff stated, "I'll help you any way that I can," and the officer did not do anything to help him. The court held that the confession was involuntary and reversed the conviction.

The same Arkansas appellate court noted that it is often difficult to determine whether an officer's statement is a promise of reward or leniency, a statement meant to deceive, or merely an admonishment to tell the truth. In *Wright v. State*, 267 Ark. 264, 590 S.W.2d 15 (1979), the court allowed a statement by an interrogating officer that "things would go easier if you told the truth." The court in that case noted that Wright differed from Tatum because in Tatum the promise was false. The court established the rule that when a police officer makes a false promise that misleads a suspect, and the suspect gives a confession because of that false promise, then the confession has not been made voluntarily, knowingly, and intelligently. The court also noted that for the statement to be involuntary, the promise must have been induced or influenced the confession. By the last statement, the court seems to imply that a false statement or promise of an immaterial matter would not make the statement involuntary.

In *Commonwealth v. Williams*, 388 Mass. 846 (1983), the court stated that an officer may indicate that the person's cooperation would be brought to the attention of the public officials or others involved, or may state in general terms that cooperation has been considered favorably by the courts in the past. What is prohibited is not a general statement about the value of cooperation, but a promise that cooperation by the defendant will aid the defense or result in a lesser sentence being imposed.

Trickery and Deceit

The U.S. Supreme Court has sanctioned the use of trickery and deceit in interrogation [*Frazier v. Cupp*, 394 U.S. 731 (1969)]. The Court indicated that unlike promises, trickery and deceit do not present the risk of inducing false confessions. In the Frazier case,

the petitioner claimed that his confession was involuntary and that it should have been excluded for that reason. The Court held that the confession was voluntary so as to render it admissible in a state criminal prosecution. This was despite the fact that the police falsely told him that his associate had confessed, and that during the questioning the defendant stated that "I think I had better get a lawyer before I talk any more; I am going to get into trouble more than I am in now," and the officer replied, "You can't be in any more trouble than you are in now." The Court noted: (1) the defendant received partial warnings of his constitutional rights before he made any incriminating statements, having been told that he could have an attorney if he wanted one and that anything he said could be used against him at trial; (2) the questioning was of short duration, lasting slightly more than one hour; and (3) the defendant was a mature individual of normal intelligence. The Court held that this misrepresentation was insufficient to make an otherwise voluntary confession inadmissible. The Court stated that the issue of voluntariness must be decided by viewing the "totality of the circumstances." In *People v. Afieri*, 95 Cal. 3rd 533 (1982), however, a California court held that a confession obtained after a defendant was informed that his fingerprints were found on a flashlight used in the crime was inadmissible.

In *Willis v. State*, 268 Ind. 269, 273, 374 N.E.2d 520, 523 (1978), the accused agreed to take a polygraph examination. Prior to the examination he signed a statement that included the phrase, "I understand that the results of this polygraph (lie detector) test may be used in court against me or for me, that it may become an exhibit in any trial in which I may be involved." Willis submitted to the polygraph after being informed, falsely, that his codefendant had implicated him in the crime. He confessed after he failed the examination. The court stated that one does not easily suppose that a false confession will be elicited by a false report of an accusation. The admissibility of a confession is predicated on its reliability, not on an agreement that it may be admitted. The court stated, however, the same is not true of a stipulation to take a lie

HOW WOULD YOU RULE AS A TRIAL JUDGE?

The defendant was arrested for rape and murder. While being interrogated by an officer, he asked the police officer if he would be sentenced to death for his crime. The police officer stated: "Sam, to be honest with you, I would think that the courts in your situation would be very lenient. I really do. I think that they will observe the fact that you need help—you're trying to seek that help already, psychological, psychiatric help, and I think they would recommend a psychiatrist." The defendant was black and had professed a dislike for "honkies." The police used a black officer to interrogate him, hoping to obtain a psychological advantage.

Question:

Taken together, does the statement of the police officer and use of the black officer establish improper psychological techniques and thus result in a confession that is not the result of the free will and rational choice of the defendant?

Court's Decision:

The court held in this factual situation that the confession was admissible. The court stated that the comments were not promises of leniency and that predictions about future events are not the same as a promise of leniency. The court also stated that there is nothing inherently wrong with the police's efforts to create a favorable climate for confession and that the use of the black police officer, even though designed to gain a psychological advantage, was not improper [*Hawkins v. Lynaugh*, 844 F.2d. 1132 5th Cir. (1988)].

detector test. Viewed as a matter of contract, the stipulation was based on a misrepresentation of fact. One can easily imagine that an innocent suspect, confronted with a false report that a perpetrator had implicated the suspect, would agree to a lie detector test in the belief that it would exonerate the suspect. The court held that the confession was inadmissible.

▶ Nontestimonial Evidence

The Fifth and Sixth Amendments do not apply to nontestimonial evidence. In some situations, however, the Fourth Amendment restrictions on search or seizure may apply. Those restrictions are discussed in Chapter 15. Accordingly, a suspect may be forced to incriminate himself or herself by:

- Submitting to a blood test.
- Submitting to a voice test.
- Giving a DNA sample.
- Appearing in a lineup.
- Producing a sample of his or her handwriting.

HOW WOULD YOU RULE AS A TRIAL JUDGE?

Timothy McVeigh was arrested for bombing the Oklahoma City federal building, which caused many deaths. A federal grand jury issued a subpoena ordering him to furnish exemplars of his handwriting. He refused, contending that the subpoena was a violation of his Fifth Amendment privilege against self-incrimination. As judge, how would you rule? [To read how the federal district court judge ruled, see *United States v. McVeigh*, 896 F. Supp. 1549 W.D. Okla (1995).]

▶ Immunity

The rule against self-incrimination does not apply if the individual being questioned has been granted immunity, in which case the government may compel the testimony of a witness. The principle involved is that when immunity is granted, the witness's testimony is not self-incriminating. There are two types of immunity: (1) transactional and (2) use and derivative use. If a person receives *transactional immunity*, he or she cannot be prosecuted for the transaction about which the witness was compelled to testify. It is the broadest type of immunity and gives the witnesses greater protection than is constitutionally required [*Kastigar v. United States*, 406 U.S. 441 (1972)].

Use and derivative use immunity restricts the government from using the testimony or any other information obtained directly or indirectly from the testimony. The government may still prosecute a person who has use and derivative use immunity as long as the government establishes that the evidence it offers at trial was derived from a legitimate independent source.

In Kastigar, the U.S. Supreme Court held that use and derivative use immunity was sufficient to compel a person to testify regarding an event. The Court noted that the burden was on the government to establish that the evidence used to convict the defendant was not obtained as a result of the compelled testimony. In *United States v. North*, 920 F.2d. 940 D.C. Cir. (1990), a court of appeals held that the government did not fulfill its burden of showing that the evidence was free from the taint of immunized testimony, where the government witnesses used at trial had seen Oliver North's immunized testimony on national television.

The Art of Listening

An important part of both interviewing and interrogating is listening to the responses. Poor listening habits frequently cause the loss of information. Wolvin and Coakley (1982, 6) list three approaches to effective listening: listening for comprehension, listening for empathy, and listening for evaluation.

Listening for comprehension is a method of receiving information and requires little or no feedback from the listener. Under this method, the listener's purpose is to understand and remain objective. The listener does not inspect critically each question, answer, or reaction. This approach is commonly used in the initial segment of an interview.

The *listening with empathy* approach is a method of responding beyond merely receiving the message being conveyed. Empathic listening is a total response and it reassures, comforts, and expresses warmth. It is not synonymous with showing sympathy; for example, the officer may state to a crime victim, "I understand your feelings regarding the robbery, but I need a description of the person who snatched your purse." One key to empathic listening is saying verbally and nonverbally to the aggrieved person, "I understand your feelings."

The third approach to listening is *listening for evaluation*. Evaluative listening is important, but the person must be careful and guard against expressing evaluations verbally and nonverbally during the interview if the need or desire is for the interviewee to be cooperative and disclose information.

Summary

- Interviewing is a nonaccusatory questioning of an individual who may have information needed by the interviewer. Interrogation is an accusatory questioning of a suspect.
- The general purpose of an interview is to obtain information, whereas the purpose of an interrogation it to obtain a confession or evidence that can be used to convict a defendant.
- The basic objectives in both interviews and interrogations in law enforcement are to obtain accurate information, distinguish fact from fiction, identify and convict the offender, and assist the victim of a crime.
- Interviewing is an art that requires skills.
- An interview should attempt to determine what happened and why.
- The directive approach to interviewing is where the interviewer controls the pacing and question, whereas in the nondirective approach, the interviewer allows the interviewee to determine the approach and scope of the interview.
- Interviews frequently take either the sympathetic or the logical approach. In the sympathetic approach, the interviewer attempts to sympathize with the interviewee. In the logical approach, the interviewer establishes a superior psychological position and conducts a "no-nonsense" interview.
- The first few minutes of an interview are critical in determining the amount of information that will be received from the interview.
- The *Terry v. Ohio* case upheld the right of a police officer to stop and question a suspicious person.
- Interrogation is a "controlled questioning calculated to discover and confirm the truth from the responses of an individual, in spite of his or her intentions and efforts to conceal the truth."
- A confession is a direct acknowledgment of guilt, whereas an admission is an admission of some key facts, but is not an acknowledgment of guilt.
- The results of polygraph and CVSA tests are normally not admissible in evidence and should be used only as a supplement to the investigation.
- Lieberman has developed techniques to identify deception. He has divided his 46 clues into seven sections. The sections are body language, emotional states, interpersonal interactions, verbal content, how something is said, psychological profile, and general indications of deceit.
- Both the Fifth and Sixth Amendments to the U.S. Constitution limit police interrogations.
- Under the Sixth Amendment, a defendant may not be questioned without the presence or consent of an attorney if the individual has been formally charged.

- Under the Escobedo case, a suspect has the right to an attorney whenever the investigation focuses on the suspect and is no longer a general inquiry.
- Prior to conducting interrogations or functionally equivalent questioning of an individual who is in custody, the individual must be advised of Miranda rights.
- A person is in custody, for Miranda rule purposes, when the individual is deprived of freedom of action in any significant way.
- When the individual invokes Miranda rights, the questioning must stop and may not be started unless the individual initiates the questioning. This rule is to prevent the police from badgering an individual into waiving the rights.
- For a waiver of Miranda rights to be effective, the individual must understand what rights are being given up. This requirement creates problems if the individual has difficulty in understanding the English language.
- There are three major exceptions to the Miranda rule, provided the statement is otherwise voluntary: the use of the statement to impeach a defendant's testimony at trial, public safety, and questioning by undercover agents.
- To determine if a confession is voluntary, the courts use the totality of circumstances test.
- The burden of proof to establish that a confession was voluntary is on the prosecution.
- The length of the interrogation is one factor considered by the courts in looking at the issue of whether the confession was voluntarily given.
- The use of tricks and deceptions are generally permissible, but psychological coercion is not. False promises may make the confession involuntary.
- The Fifth and Sixth Amendments do not apply to nontestimonial evidence.

Classroom Discussion Questions and Activities

1. Observe interview segments on television and rate the interviews good or bad according to whether the interviewer accomplished his or her goals.
2. Divide the class into pairs and have the students practice interviewing witnesses at a crime scene.
3. Listen to a local news interview or classroom interview and identify the listening approaches being used.
4. Read an interview in *Time*, *Newsweek*, *U.S. News & World Report*, or another news magazine. Try to determine the levels of interactions used in the listening process.
5. What should be the test of whether a person is "in custody" for the Miranda requirements?
6. After reviewing the cases discussed in this chapter, when would you as a defense counsel advise a defendant to answer questions or to remain silent?

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CHAPTER OUTLINE

- Introduction
- The Police Service Role
- Disputes
- Suspicious Character Calls
- Prowlers
- Missing and Runaway Children
- Missing Adults
- Human Trafficking
- Welfare Checks
- The Mentally Ill
- The Homeless Population
- Abandoned Vehicles
- Stalled Vehicles
- Lost Property
- Stolen Property
- Repeat Calls
- Citizen Contacts
- Summary

7 Handling Calls for Service

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Understand the differences between the service function, order maintenance function, and law enforcement function of the police.*
- *In general, describe the police response to missing children and adults.*
- *Understand the issues involved in human trafficking.*
- *Understand the AMBER Alert system.*
- *Describe techniques that can be followed when dealing with the mentally ill.*
- *Understand the important elements in taking a lost or stolen property report.*
- *Discuss the perplexities that the police face when dealing with homeless populations.*
- *Describe the problems associated with stalled vehicles and abandoned vehicles.*
- *Discuss the techniques the police can use in handling repeat calls.*

▶ Introduction

Imagine that you have managed to secure a ticket to see your local college basketball team play in the sweet 16 of the NCAA regional tournament. This is the first time your school has made it to the sweet 16 in 25 years and the excitement is growing beyond proportion in your community. On the day of the basketball game you decide to intentionally arrive at the arena several hours early to ensure that you can get a reasonably close parking spot. As it turns out, you manage to park about four blocks from the arena.

As you begin the walk toward the arena you reach your hand into your pocket for the ticket. It's not there! You panic, trying to remember what you did with the ticket. All of a sudden, it dawns on you that you left the basketball ticket in your car above the sun visor. You turn around and briskly begin to walk back to your car. As you approach your car you reach into your coat pocket to retrieve your car keys. They're not in your pocket! Frantically, you dig into each one of your pockets, but to no avail—you can't find your car keys. You think to yourself, what a terrible day this is shaping up to be. Once back at your car you carefully examine the interior, but your keys just aren't there.

You are becoming more and more frustrated as you think to yourself that you must have dropped the keys somewhere between where you parked and the basketball arena. You backtrack and search the path you walked. No such luck. You can't locate your car keys. Did someone pick them up? Maybe someone turned them into the police? These questions quickly come to mind. There is only one thing left to do—you call the police on your cellular phone to report the lost keys.

This chapter provides an overview of the many police activities that are considered service-related, many of which are noncriminal calls. While it would be virtually impossible to cover all service-related functions of the police, this chapter will cover some of the more common service-related calls. This chapter provides a general protocol for dealing with many service-related calls; however, police officers reading this book should always refer to their departmental standard operating procedures for specific guidelines. For the student of the police reading this chapter, or the interested citizen just wanting to gain an understanding of police operations, you should come away with a fairly good idea of why police do what they do in specific service-related calls.

▶ The Police Service Role

Throughout this book, we have made it a point to emphasize that a significant amount of police work is service-related. The scenario presented in the introduction section is considered a service-related police function. Service-related calls may include lost adults or children, disputes, directing traffic, assisting a citizen, welfare checks, checking buildings, helping stranded motorists, motor vehicle accidents, abandoned vehicles, lost property, found property, and the like. Police officers deal with these types of calls on a regular basis.

Citizens often have a romanticized notion of police work, in part due to television, movies, and crime novels (Haberfield, 2002). It has been said that the police officer is not primarily a crime fighter, but a service provider to the public (O'Keefe, 2004). Many police officers begin their careers with high expectations of becoming crime fighters; that is, arresting armed robbers, catching the burglar leaving the building, and apprehending the homicide suspect still holding the smoking gun. It doesn't take long for neophyte police officers to learn that much of their time is spent with boring, mundane tasks that are anything but glamorous.

Did you know that many studies have shown that the crime-fighting role of the police only makes up between 10 and 30 percent of the police officers' on-duty time? Crime is

usually only involved in the minority of calls that police are assigned to handle (Whitaker, 1982). Skolnick and Bayley (1986) made this point when they found that only about 20 percent of an officer's day is devoted to crime fighting. They also point out that the crimes that typically terrify the public—robbery, rape, burglary, and homicide—are rarely encountered by police on patrol. Professor Kenneth Peak notes that only Dirty Harry in the movies has his lunch disturbed by a bank robbery (Peak, 1999).

In his classic book, *Varieties of Police Behavior*, Professor James Q. Wilson (1968) wrote that the police have three primary functions: law enforcement, order maintenance, and the provision of services. Wilson thought that peacekeeping (maintaining order) constituted most of the police's activities and noted that less than 20 percent of the calls answered by police involved enforcing the law and crime control. He pointed out that the majority of an officer's time is spent with service activities. Wilson believed that in many cases the police deliberately avoided enforcing the law in an attempt just to maintain order and keep the peace.

Cole and Smith (2004) provide an apt description of the law enforcement, order maintenance, and service functions of the police. They describe order maintenance as a broad mandate to keep the peace or otherwise prevent behaviors that might disturb others, which can range from a barking dog to dealing with a fistfight. By way of description, they note that police are usually called on to handle these situations with discretion, rather than deal with them as strict violations of law, though of course their authority to deal with these situations is based on violations of law. They describe the law enforcement component as those activities based solely on cases where the law is violated and a suspect must be identified and apprehended. The most obvious instances include robbery, murder, or burglary. This is the popular notion of the main police function, but actually it is relatively uncommon.

Cole and Smith (2004) remind us that the most common police function is to provide a broad range of services not related to crime or wrong-doing. They outline the service functions as including first aid, providing tourist information, guiding the disoriented, or acting as educators (preventing drug use or similar preventions). Because police agencies are traditionally available year-round, 24 hours a day, citizens call the police not only in times

PRACTICE HINTS

EXAMPLES OF POLICE FUNCTIONS

Law Enforcement	Order Maintenance	Service
Arresting a suspect	Dispersing rowdy juveniles and adults	Welfare checks
Investigating a crime		Giving directions to citizens
Responding to a crime in progress	Responding to noise complaints	Finding lost children and adults
	Performing crowd control	
Serving warrants		Assisting stranded motorists
Enforcing traffic laws (writing speeding tickets)	Quelling a public disturbance	Prevention activities
	Directing traffic	Checking buildings

of trouble, but also when just inconvenienced. As a result, police services may include roadside auto assistance, providing referrals to other agencies, finding lost pets or property, or checking locks on vacationers' homes.

Sometimes it is difficult to distinguish between the law enforcement, order maintenance, and service-related functions of the police categories. Often, these functions can be somewhat ambiguous. When the police direct traffic at an intersection where a traffic light has burned out, it can be argued that they are performing both order maintenance and service functions. The police perform an important order maintenance function in the sense that if traffic isn't manually directed by the police it would result in traffic order problems and perhaps accidents. Likewise, the police are performing an important service-related function for the general public by directing traffic at the intersection while the traffic light is being repaired. We could apply the same logic to dispersing rowdy juveniles, which may be considered not only an order maintenance function, but also a service function. Can you think of other examples where the three categories (law enforcement, order maintenance, and service) seem to overlap?

▶ Disputes

Dispute or **conflict resolution** is a broad term covering any process by which a dispute between two or more parties is resolved. The nature of the disputes that police respond to is diverse and can be between neighbors, family members, spectators at sporting events, store proprietors and their customers, and a wide variety of other situations.

conflict resolution Also referred to as dispute resolution. The process of resolving a dispute or a conflict by providing an equitable settlement to both side's needs and interests so that they are satisfied with the outcome. The objective of conflict resolution is to end conflicts before they start or before they escalate to physical fighting.

Most disputes are handled quickly by police officers and result in minimal official police action taken; for example, parents at a little league baseball game get into an argument over whose child is the better ball player. If the police are called to a dispute such as this, they most likely will request that both parents settle down and usually additional police action is not necessary. Oftentimes the mere police presence will be enough to quell the disagreement; however, police officers can never take a simple dispute lightly. At times, a dispute may escalate into a volatile situation. In some cases, the police may be required to use physical force in order to resolve the conflict. If force is used by the police, it is imperative that the appropriate use of force policy dictated by the reasonable application of force be adhered to.

Officer Safety

Police officers should always consider officer safety a priority when dealing with a dispute, regardless of the perceived magnitude. Dispute calls can be deadly for officers. Officers are killed every year while investigating some type of disturbance.

When officers arrive at a reported dispute, the parties involved should be separated as quickly as possible. Separating the disputants will minimize continued conflict and provide additional safety for the officers. Officers should separate the parties in a manner that the officers never lose site of each other. This is a tactical maneuver, so that officers always have a visual on each other. Officers should always stand in a bladed position with their weapon side away from the disputants. Officers should never stand with the weapon side facing a person involved in a dispute. This prevents a person who may become unruly from lunging for the officer's weapon.

Regardless of the nature and severity of a dispute, there are always appropriate ways of handling it and walking away looking like a professional. In some cases, police officers choose to handle disputes inappropriately and often do little to resolve the dispute at hand. Of course, this can lead to repeated calls to the same location for the same problem. It is always best to attempt to resolve the dispute, which will reduce the likelihood of repeated calls that take their toll on police resources.

Effective Communication

The most important skill for police officers in resolving a dispute is effective communication. Police officers should always keep in mind that what you say is not nearly as important as how you say it. Thus, in handling a dispute, effective communication skills are the best tool an officer has. As most police officers know, the tone of voice and demeanor can make the difference in either de-escalating or escalating a situation.

A police officer in one Midwest City related the following story: "I was out on a disturbance between two guys that were neighbors arguing over where one put a fence. It was a really minor thing. I had things pretty much under control until my backup arrived. He is a real a*****e, an authoritarian type, and he can't communicate with anyone very well. He arrived at the scene and started ordering one of the parties around and told him that the police have better things to do than to babysit adults who can't agree on where to put a fence. I was really embarrassed. It ended up being a yelling match between him and one of the parties involved in the disturbance. When he showed up it was almost like I had a worse dispute. He really pissed the guy off. I can't say as I blame the guy."

Experts say that communication is composed of different methods that include words, voice, tone, and nonverbal clues. Of these, some are more effective in delivering a message than others. In a conversation or verbal exchange, words are 7 percent effective, tone of voice is 38 percent effective, and nonverbal clues are 55 percent effective. Nonverbal clues include body language (e.g., arms crossed, standing, sitting, relaxed, tense), and emotion of the sender and receiver (e.g., yelling, speaking provocatively, enthusiastic).

Police officers can be assertive without being perceived as overly aggressive. The first step is to declare, or state clearly, what you want the disputant to do. When you have a difficult encounter, be professional and do not lose your self-control because, simply put, it is of no use. You may actually find it helpful to acknowledge what is being said by showing an understanding of the disputant's position, or by simply replaying it (a polite way of saying "I hear what you are saying").

Next, the officer states his or her own point of view clearly and concisely with perhaps a little supporting evidence; for example, "You have to move along out of this area because it is posted no trespassing, and failing to do so can result in more serious action taken, and you don't want that, do you?" Finally, state what you want to happen next, and move it forward (e.g., "Let's get out of this field so you can go about your day and so that I can get back on patrol. Does that sound OK to you?").

Tactical Communication

Tactical communication is not a martial art, but it is a form of self-defense that will throw an opponent for a loop and assist the officer who may be handling a very tense dispute situation. Tactical communication strategies have been taught with proven success in the hardest arenas available. In law enforcement, where tensions and emotions run high, control over such encounters is necessary if everyone is to stay safe. Tactical communication has been used to calm people, demonstrate their best interests within the law, and preserve the peace. This makes police officers safer and thereby better able to handle the problem by addressing the person's needs, not simply arguing about demands.

Thompson and Jenkins (1993), writing in their ground-breaking work on tactical communication, relate that there are basically three goals of this technique. The first and most important goal is to ensure officer safety. Goal number two is to enhance the police officer's professionalism. The third goal is to increase efficiency, which will ultimately improve performance level. Increasing efficiency means saying it right the first time.

Using techniques from tactical communication can be the officer's most powerful tool or worst enemy. It would be fair to say that all of us have our biases or buttons that can be pushed; the key is the ability to control them and not let them impact the way police duties

are performed. Police officers see much despair during a tour of duty. Seeing this despair can be depressing. Understandably, police officers at times may have a difficult time coping with it all. Police see society at its absolute worst. It is crucial that officers learn how to control their emotions and thoughts. If officers can't control their own emotions and thoughts, how will they effectively control others?

Police liability and accountability are stronger issues now than ever before, and to survive and be successful officers must professionally enhance the way they perform and communicate with others. When police officers deal with people in dispute situations, they must be skillful in their verbal ability. Likewise, officers should enter into a dispute with a plan of action and know exactly how to handle verbal resistance and confrontation, all the while remaining calm and in control of the situation.

Police training has historically spent an enormous amount of time training police officers in physical defense tactics; however, much less time is spent training police officers in how to communicate effectively (Birzer, 2003; Birzer & Tannehill, 2001). Most police officers don't have to qualify with their verbal skills periodically like they do with their firearms. Knowing the importance of effective communication, perhaps they should. Just as officers are trained at physical defense skills, they should also be tactically trained in the use of their presence and words. Tactical communication gives officers a system of specific tried and tested tactics and patterns of behavior that will allow them to respond professionally under all conditions.

By far the most common abuse that a police officer is faced with is the words that suspects or disputants yell out. In order to stay calm and professional under pressure you must not get drawn into words people throw at you, whether it is sarcasm or obscene language. Tactical communication is effective in allowing officers to handle this problem by utilizing some basic principles. Words and meanings are almost never the same. Tactical communication distinguishes the difference between the two, and it demonstrates how to respond to what you think people mean rather than react to the words they say.

Listen and Ask Questions

Individuals involved in a dispute each have their own story about what is important and why. Listening to disputing parties is important in order to determine the true nature of the dispute. It also has the potential to give an aura of fairness, so that each side gets to tell their story. Insight into these different stories can make a great difference in the ultimate resolution of the problem. If possible, officers should frame questions in an open-ended format. Open-ended questions may assist the officer in understanding the background of the conflict better.

Questions should also be asked that probe below the surface. Probing below the surface requires redirecting the energy. Ask questions like: "Why does that seem to be the best solution to you?" "What's your real need here?" "What interests need to be served in this situation?" "What do you think needs to be done here?" and "What's the outcome or result you want?" The answers to these questions can assist the officer in developing an effective solution to the

PRACTICE HINTS

ACTIVE LISTENING TIPS

- **Be Attentive**—Concentrate on what is being said.
- **Be Impartial**—Don't form an opinion, just listen.
- **Reflect Back**—Restating what has been said helps the other person know that you understand.
- **Summarize**—Pull together the important messages so that all involved recognize what was important during the conversation.

dispute, while giving the impression that the officer is genuinely interested in the disputant's problems. For a more in-depth discussion of communication skills for police officers, revisit Chapter 6.

Look for the Hidden Problem

The officer should make an attempt to uncover the underlying or hidden problem. In essence, the officer should look beneath the conflict and determine the facts. Fact finding is essential to resolving conflict, as often conflicts are generated by a misperception or misunderstanding of the facts involved. As difficult as this may be in some cases when dealing with boisterous and belligerent persons, the officer should try to be sensitive to the other's position and perspective. See the conflict through the other's eyes. The effective resolution of a conflict may actually involve partially empathizing with the other person, understanding the world from the other person's frame of reference. It may be helpful to try to summarize the other's argument and demands. This will assist in minimizing miscommunication and misperceptions that can play a large role in conflicts.

Resolving the Dispute

There are several techniques an officer may utilize in dispute resolution. The easiest and most convenient technique is to simply separate the parties involved and send them on their way; however, in more serious cases, where one person has assaulted the other person or some other crime has been committed, an arrest will be required. Officers should always try to counsel the parties involved in the dispute. In some cases, the actual threat of arrest will resolve the dispute in the short term. It is always best to attempt to solve the problem for the long term, if possible. Disputing parties should be referred to resources that may be more equipped to resolve their dispute. Some communities have mediation services available on a low-cost basis, while just about all communities will have services for the victims of domestic violence.

Domestic Violence

domestic violence Violence between adult intimate partners. An abusive behavior used by one person in a relationship to control the other. Domestic violence typically involves an assault or battery upon a member of a household including a spouse, parent, child, blood-related family member, or others domiciling in the same place.

Domestic violence is a widespread problem in the United States, endangering the victim and having an exacerbating effect on the weakening of the family. In cases of **domestic violence**, an arrest is almost always required due to the mandated arrest laws that have been enacted in most states. Domestic violence occurs when a family member, spouse, or partner physically harms the other family members, spouse, or partner. The term "intimate partner violence" is often used synonymously; other terms have included wife beating, wife battering, husband battering, relationship violence, domestic abuse, spousal abuse, and family violence, with some legal jurisdictions having specific definitions.

In many states, officers are required to make an arrest if they have probable cause to believe that a crime of domestic violence was committed. Mandatory arrest laws were enacted to correct the problem centering on the willingness of officers to drive an accused abuser around the block to let him "cool off" before returning home, rather than taking him to jail. An officer does not need to witness the crime to make an arrest, but can rely on evidence at the crime scene. Evidence may include the victim's statement, torn clothing, victim's injuries, or destruction of property in the home.

The requirement for positive action in domestic violence cases incurs obligations at each stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation, and the protection and care of affected victims and children. An important objective of the police response is to ensure the protection of the victim while allowing the criminal justice system

to hold the offender accountable. An effective investigation should be completed in all cases where a domestic violence incident is reported. Officers investigating a complaint of domestic violence are responsible for protecting the victim and ensuring that the victim is no longer at risk of violence. The officer is also responsible for arresting the offender. The officer should be aware that domestic violence may be compounded by numerous other factors, such as drug and alcohol abuse.

When responding to a domestic violence call officers should use all reasonable means to prevent further abuse. The officer should also practice good officer safety skills that have been stressed throughout this book. Whenever officers believe that abuse has occurred, they are required to take steps to prevent further abuse. These steps may include:

- Arranging for the victim to be taken to a medical facility for treatment or to a place of safety.
- Offering immediate and adequate information of the victim's rights, including the right to obtain a Protection of Abuse order or to begin criminal proceedings.
- Providing referrals to local domestic violence agencies.
- Providing referrals to counseling services for both the victim and the offender.
- Assisting the victim with developing a safety plan.
- Advising the victim on home security issues.

Law enforcement officers learn during their training or know intuitively from working the streets that domestic dispute calls, or intra-family offenses, are the most dangerous type of call for the responding officers. Breul and Keith (2015) studied 694 line of duty deaths as part of a U.S. Department of Justice project. They found that calls related to domestic disputes and domestic related incidents represented the highest number of fatal types of calls for service. The following red flag recommendations came directly out of the study.

Officers not waiting for their backup and entering before assessing the situation:

- Dispatchers and supervisors must be cognizant of the inherent dangers posed by domestic-related calls for service and ensure that officers are not sent alone, even for a report or a call where the "suspect is no longer on the scene." In one of the cases examined, an officer dispatched alone was shot and killed when the suspect returned.
- This recommendation applies to the seemingly routine calls for service such as "Assist with Clothing," "Assist in Serving a Protection Order," or "Child Custody Disputes."

DISPUTE CALLS MAY END IN TRAGEDY

According to the U.S. Department of Justice Office of Community Oriented Policing Services, domestic disputes are some of the most common calls for police service according. In the United States, domestic violence accounts for about 20 percent of the nonfatal violent crime women experience and 3 percent of the nonfatal violent crime men experience. Harm levels vary from simple assault to homicide, with secondary harms to child witnesses. Domestic violence calls can be quite challenging for police as they are likely to observe repetitive abuse against the same victims, who may not be able to or may not want to part from their abusers.

- There must be regular checks by the dispatcher on the welfare of the officers on scene.

Officers not waiting for their backup and entering before assessing the situation:

- Fellow officers, supervisors, and dispatchers who become aware of officers handling calls without waiting for their assistance must address these actions. Supervisors must counsel their subordinates, take proactive steps, and reinforce training and adherence to policy. They must also monitor and, if necessary, document such instances and take corrective action.

Not providing responding officers with accurate information or full information:

- Officers should be made aware of all the call information and, when possible, get a call history and any suspect information prior to making contact. Further, officers should discuss any pertinent information such as threats, prior weapons charges, or mention of weapons before handling the call.
- Special emphasis should be placed on dispatchers and call takers to obtain accurate information. Officers who are provided the wrong lookout or a poor suspect description are at a disadvantage when handling such calls.
- Not properly sharing relevant information regarding the call to assisting officers is problematic, especially when officers are responding from different jurisdictions and they may not be working from the same call information or history of the location and occupants (Breul & Keith, 2015, 19–20).

Many police officers become frustrated when seeing victims remain in abusive relationships. Some may ask, "Why doesn't she just leave him?" Officers must realize that there are no easy answers to this complex question. According to Rana Sampson in a Department of Justice publication, three cyclical phases in physically abusive intimate relationships keep a woman in the relationship. These three phases, sometimes called the cycle of abuse, are (1) a tension-building phase that includes minor physical and verbal abuse, (2) an acute battering phase, and (3) a makeup or honeymoon phase. The honeymoon phase lulls an abused woman into staying and the cycle repeats itself. Police officers should be familiar with the cycle of abuse.

PRACTICE HINTS

- **Battered woman syndrome**. A woman is so fearful from experiencing cycles of violence that she no longer believes escape is possible.
- **Stockholm syndrome**. A battered woman is essentially a hostage to her batterer. She develops a bond with and shows support for and kindness to her captor, perhaps because of her isolation from and deprivation of more normal relationships.
- **Traumatic bonding theory**. A battered woman experienced unhealthy or anxious attachments to her parents who abused or neglected her. The woman develops unhealthy attachments in her adult relationships and accepts intermittent violence from her intimate partner. She believes the affection and claims of remorse that follow because she needs positive acceptance from and bonding with the batterer.
- **Psychological entrapment theory**. A woman feels she has invested so much in the relationship, she is willing to tolerate the battering to save it.
- **Multifactor ecological perspective**. Staying in physically abusive relationships is the result of a combination of factors, including family history, personal relationships, societal norms, and social and cultural factors.

▶ Suspicious Character Calls

Imagine for a moment that you are home alone one evening watching television. As you get up to close the living room drapes you notice a man sitting in a car that is parked on the street directly in front of your house. You don't recall seeing the car or the man in the neighborhood in the past. You watch for a few minutes, but the car doesn't leave. The man is just sitting in his car. It is getting dark, and you become a bit concerned and pick up the phone and call the police.

You inform the police dispatcher that there is a man sitting in a car in front of your house and you are a bit frightened. The dispatcher asks you several questions and assures you that two police officers have been dispatched to the area. After several minutes two patrol cars arrive and you see the officers approach the suspicious car and begin to talk to the occupant. You notice that one of the officers shines his flashlight in the car. It is getting too dark to notice anything else. After about 10 minutes, the car pulls away and the officers knock on your door. The officers inform you that the person in the car was an insurance agent who was waiting on his client who lives next door to return home. You sigh with relief. The officers assure you that the person really was an insurance agent and that there is nothing to worry about.

Suspicious character calls, much like the scenario presented, are a fairly common police call. In most cases, they end up being nothing and require minimal action on the part of the officer; however, the officer must use due caution when responding to suspicious character calls because it is never certain what they will encounter. It could very well be the insurance agent waiting on his client to return home, or it may be the lookout for a burglary in progress or some other crime. The sobering statistics from the Uniform Crime Report illustrate the danger of suspicious character calls all too well. According to the Uniform Crime Report there were 66 law enforcement officer killed in the line of duty in 2016, nine of which were killed while investigating suspicious persons or circumstances. Officers should approach suspicious character calls utilizing officer safety techniques at all times. Whenever possible, two officers should respond to suspicious character calls. If the suspicious character is in a vehicle, the officers should approach from the rear of the vehicle, similar to the technique used for making a traffic stop. If it is after dark, headlights or a spotlight should be used to illuminate the interior of the vehicle under investigation. One officer should approach on the driver's side and make contact with the occupant of the vehicle, while the backup officer should approach on the passenger side, illuminating the vehicle with a flashlight to control others who may be in the vehicle. If the suspicious character is on foot, the officers should maintain a secure and tactical distance (a few feet) from the suspect and stand in a bladed position with the weapon side away from the person being questioned.

If the officer has any safety concerns, and thinks that the suspicious character may be carrying a weapon, he should perform a **frisk** of the person's outer clothing. The purpose of a frisk or pat-down search is to dispel suspicions of danger to the officer and other people in the vicinity. A frisk is a search for concealed weapons and is normally justified when there are concerns of safety for the officer and for others. The Supreme Court held in the *Terry v. Ohio* decision that a police officer has the right to detain and search an individual without a warrant, or even probable cause, as long as there is a reasonable suspicion that the individual may be armed. What the officer feels through the outer clothing during the pat down may provide probable cause for the officer to complete a full search; for example, the officer performs a pat-down search of the outer perimeter of a person's coat. While performing the pat down, the officer feels a hard object that is reasonably believed to be a dangerous weapon. The officer is then justified to go into the pocket and retrieve the hard object.

frisk Also referred to as a pat-down search. A noninvasive precautionary frisk or pat-down search of the outer clothing of a suspect. The purpose of the frisk is to protect the officer. The justification for the frisk is discussed in the case of *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 1.Ed.2d 889 (1968).

Identification should be requested from the suspicious character and a record check performed to see if the person has any outstanding warrants. An explanation of why the person is in the area at that particular time should be requested. If necessary, a field interview (FI) card should also be completed on the person(s). The *FI card* is an intelligence system used to obtain and record information on the presence of individual(s) in a given location at a specific time and date. It contains the name, address, telephone number, physical description, age, date of birth, and description of clothing worn. If an automobile is involved, the make, year, tag license, number style, and color are included. Suppose there is a burglary that occurs in a certain area at a certain time. Investigators can then perform a query for FI cards that were completed in the area of the crime. The conscientious officer who spends a few extra minutes completing the FI can potentially lead investigators to a suspect.

If the subject under investigation has no legitimate reason to be in the area, and if the officers have no reason to detain the individual, after the FI has been completed, they should direct the individual to leave the area. If a complainant wishes to be contacted, the officers should make contact and get necessary information for the police report. It is a wise practice to complete either an FI or official police report in cases of suspicious characters. Some police agencies have the technology in place for officers to enter FI information directly into their mobile data terminals in their patrol vehicles.

▶ Prowlers

Prowlers are another call that the police respond to on a frequent basis. Like the suspicious character call, it is easy for the officer to develop a laissez-faire attitude when approaching prowler calls; however, this attitude can be deadly and should be avoided. The responding police officers have little advance knowledge of what they will encounter at the scene. There have been police officers killed investigating prowler calls. Often, the report of a prowler is merely based on caller suspicions that may have been aroused by a noise, shadow, perhaps the wind blowing, a cat scratching at the window, the fear of being home alone, or perhaps a scary movie on television.

The prowler may simply be a law-abiding citizen taking a walk, or walking his dog. It could be lonely Ms. Smith, who on a windy and stormy evening hears a noise outside of her window at 1:00 AM and decides to call the police. On the other hand, the prowler could be the suspect who has just committed a felony crime (murder, burglary, robbery, sexual assault) and is walking away from the crime scene. In other cases, the prowler may be the suspect who is preparing to commit a crime and is interrupted by the police. These are all more reasons for officers to approach the prowler call using stringent officer safety measures.

The primary objective of the police when investigating the report of a prowler is to verify if there is in fact a prowler, and what the prowler is doing at the location. The officers should make an effort to properly identify the prowler. Police officers have probably heard every reason known as to why prowlers are in a particular place at a particular time. A few of the typical responses that an officer may hear are:

1. "I was looking for my dog."
2. "I was taking a shortcut home."
3. "I'm lost."
4. "I was tired and decided to rest."
5. "I needed to urinate and did it out of the public's view."
6. "I was looking in the window to see if this was my friend's house."
7. "I'm trying to find a friend's house."

8. "I'm hiding from someone who wants to harm me."
9. "I live here."
10. "I was drinking and some friends kicked me out of the car."
11. "I'm just walking home. I work up the street."
12. "I couldn't sleep and decided to take a walk."

Regardless of the reason given, the officer should investigate each incident carefully. It should be determined if the prowler legitimately belongs in the area. It is important to remember that many persons suspected of being a prowler actually do belong in the neighborhood. The officer responding to the prowler call should not be provoked into overreacting.

An FI card should be completed on the suspected prowler. Officers should never accept just any explanation of why the prowler is in a particular area such as, "I was just walking my dog," when there is no dog to be found. All explanations given by a prowler should be carefully investigated. The officer should be mindful that the prowler could be a peeping Tom with voyeuristic tendencies. "Peeping Tom" is a term used to describe someone who looks into the windows of residences, in many cases residences where females live. The peeping Tom with voyeuristic tendencies will look into windows to obtain sexual gratification by trying to get a glimpse of a female undressing or combing her hair. He often chooses a residence where a female lives alone and attempts to view the female through the window.

Officer safety is paramount when investigating a prowler and prowler calls should almost always require a two-officer response. If possible, dispatchers should keep the complainant on the telephone until officers arrive in the area. This will allow the dispatcher to obtain real-time information about activities of the prowler, which can then be radioed or sent via the mobile data computer to the responding field units. Dispatchers can obtain pertinent information about the area that would be advantageous for the responding officers to know; for example, it may be important for responding officers to know that the complainant has a large dog in her backyard, or that the backyard has a 12-foot privacy fence with several missing links on the south side. It also allows the dispatcher to let the complainant know when officers have arrived at the scene. Police should request that complainants remain in their residence at all times during the prowler investigation.

The initial entry into the area of a prowler call is important. The officers should be stealthy during entry into the area, by avoiding a grand entry (e.g., screeching tires, sirens wailing, red lights flashing, or racing engine). Pull into the area slowly and quietly, paying attention to the surroundings. It may be a good idea to turn the headlights off when pulling into the immediate area. Of course, this should be done using due caution. There was a case where an officer was responding to a prowler call in a neighborhood that did not have street lights, which made the neighborhood very dark. The officer turned his headlights off when approaching the scene and ran into a parked car. Fortunately, the damage to the patrol car and the parked car was minimal because the officer was traveling slowly. Obviously, when an officer elects to turn the headlights off when pulling into an area, prudent judgment should be used.

Upon arrival at the location of the prowler call, park a few houses down from the location where the prowler is reported to be. When walking to the location, secure key rings and turn down the volume on the portable radio. There are differing thoughts on the use of the flashlight. One school of thought proposes making great use of the flashlight and illuminating the area as much as possible. It is thought that the mere illumination of the flashlight will naturally draw out someone who may be hiding. Others argue that it is best to limit the use of the flashlight until you are close to where the prowler is reported. This argument proposes that an officer's primary objective is to surprise the prowler. Limiting use of the flashlight tends to accomplish this objective.

There may indeed be situations where the minimal use of the flashlight is recommended, while in other situations its illumination would be quite effective. Officers should use their best judgment of when to use the flashlight or illuminating devices at the scene of a prowler. Factors that should be considered in this decision include if the suspected prowler is reported to be armed, if it is suspected that a crime has been committed, or if the prowler is purposely hiding from the police, all of which would justify significantly lighting up the area.

The decision to approach the area with your handgun drawn should be driven by the information from the dispatcher. If the dispatcher advises that the prowler is a white male in his mid-30s wearing a black sweatshirt and blue jeans and carrying what appeared to be some type of weapon, maybe a handgun, then obviously this information would dictate that the officer should approach the location with the firearm drawn. When the handgun is drawn, the finger should always be off the trigger to avoid an accidental discharge. Simply placing the trigger finger on the trigger guard will suffice.

Officers should search the area as a team and always be aware of where the other officer is searching. Once again, search the area as quietly as possible. Take into account tactical considerations by walking along trees, buildings, houses, or other structures in the event that you may need to take cover quickly. The search should be slow and methodical, as a prowler can hide just about anywhere. Police officers have found subjects hiding under porches, in cars, under cars, in garages, in trees, in sheds, in crawl spaces that are accessible from outside of a residence, and even in dog houses. These areas should be searched thoroughly. Officers should also pay close attention to fresh tracks, especially if it has recently snowed or rained. It is also a good idea to pay attention to shrubbery that appears to have been freshly trampled on.

When contact is made with the prowler, a visual inspection should be made of the suspect's demeanor and clothing, paying close attention to bulges in pockets, which could indicate that the subject is carrying a weapon. At all times the officer should watch the suspect's hands and movement. If the officer has a safety concern, or sees a bulge in the prowler's clothing, a quick frisk of the suspect's outer clothing should be performed.

As noted previously, the prowler should be checked for warrants, and the officer should demand an explanation of why the individual is in the area. An FI card should be

PRACTICE HINTS

TIPS FOR CHECKING SUSPICIOUS CHARACTERS AND PROWLERS

- Always expect the worse.
- Use a tactical approach.
- Your approach should be done in a stealthy manner.
- If after dark, decide to what extent you will illuminate the area with flashlights.
- Obtain as much information from the dispatcher as possible pertaining to the location and potential obstacles, such as dogs and fences.
- Search the area thoroughly and methodically.
- When contacting the suspect, maintain a safe distance and stand with your weapon side away from the suspect.
- Observe the suspect for unusual bulges in the clothing that could indicate a weapon or other dangerous contraband. Always watch the suspect's hands and movements.
- Control the suspect. Perform a frisk for safety, if necessary.
- Get identification on the suspect, and check for warrants.
- Demand an explanation of why the suspect is in the location.
- Complete an FI card.
- Arrest if you have probable cause that a crime has been committed. Release the suspect if you don't.

completed. The owner of the property where a prowler was found should be contacted to ensure that the prowler did not have permission to be there. If it is determined that a crime has not been committed, and the prowler has been properly identified and documented via an FI, then the individual should be released.

▶ Missing and Runaway Children

Missing children pose a complex problem for the police. In one instance, the police may be dealing with a case where a lack of communication exists between two divorced couples over who is taking the child for the weekend. Subsequently, the mother shows up at school to pick up her child and her child is gone, only later to find the child safe at his father's house. While in other cases, a child may be kidnapped by a stranger or other estranged family member for the purpose of doing harm to the child. Police must discern the incident at hand in an expedient manner. Time is especially critical in the case of child kidnapping. The U.S. Department of Justice reports that in cases where a child is abducted and then murdered, in over 76 percent of these cases the child is murdered within three hours of the abduction.

There are different types of missing children that police deal with including family abductions; endangered runaways; nonfamily abductions; and lost, injured, or otherwise missing children. The best national estimates for the number of missing children are from incidence studies conducted by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. They estimate that each year 800,000 children are reported missing. Of these missing children, over 58,000 are abducted by nonfamily members; about 100 children are the victims of the most serious, long-term nonfamily abduction, called stereotypical kidnapping; over 200,000 children are the victims of family abduction.

As most police officers know, the smallest category of child abductions, but the one in which the child is at the greatest risk of injury or death, is nonfamily abductions. There is sometimes an assumption that family abductions are not a serious matter; however, this is not true. In some cases children are told that the left-behind parent doesn't want or love them. These children may live the life of a fugitive, always on the run with the noncustodial parent and taken away from their home, friends, school, and family, which can be devastating to the child.

Responding to Missing Persons

The police agency should have an aggressive policy in place to investigate and locate lost or missing persons of any age. Officers should follow up on any and all investigative leads that may result in the immediate location of a missing person. In all cases, there should never be a waiting period for reporting a missing child.

A child who is missing under unusual circumstances is usually considered to be at risk until sufficient information to the contrary is confirmed; for example, the child tells his parents that he doesn't want to live with them anymore because he did not like what was prepared for dinner. He tells his parents that he will go and live with his friend who gets to have pizza every night. A few hours later the child is discovered missing from his room and his parents report him missing to the police. Most likely this juvenile will be found at his friend's house or will return home in a few hours.

The reporting officer should conduct a preliminary investigation and gather enough information from the reporting person to complete necessary reports. If the police agency

PRACTICE HINTS

GENERIC DEFINITIONS AND PROTOCOL—MISSING PERSONS

- **Critical Missing**—Any person (of any age) who could be in imminent danger.
- **Reporting Person**—Person of any age reporting an individual as missing and requesting assistance.
- **NCIC Missing Person File**—A National Crime Information Center (NCIC) bound folder called "Missing Person File Data Collection/Entry Guide" containing a survey of personal descriptors on the missing person. Also referred to as an NCIC Missing Person packet.
- **Status Offender Juvenile**—A juvenile who is charged with an offense that would not be a crime if committed by an adult (e.g., curfew or tobacco infractions).

National Crime Information Center (NCIC) A computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.

uses a departmental missing persons report, this form along with a narrative report should be completed by the reporting officer on all missing persons. The narrative report should include any additional information received from the reporting person or others that may assist the investigation. In some cases, a separate report may be used by the law enforcement agency for missing juveniles, runaways, or children in need of care.

A *Request for Assistance and Authorization for Medical Treatment* form should be completed for all juvenile missing persons and runaways or adults having a legal guardian. If the reporting person refuses to sign this form, the refusal and the reason for refusal should be duly noted in the narrative report. The following **National Crime Information Center (NCIC)** entry information should be obtained on missing persons, juvenile runaways, and kidnapped victims:

- Complete name
- Date and place of birth
- Social security, operator's license, and other identifying numbers
- Complete physical description
- Description of vehicle, if involved
- Clothing description
- Recent photograph, if available

The NCIC is the United States' central database for tracking crime-related information, including wanted persons, missing persons, certain firearms, stolen property, and criminal histories. Operated by the FBI, it receives input from government agencies and all 50 state governments.

AMBER Alert The notification to the general public, by various media outlets, that a confirmed abduction of a child has happened. AMBER is an acronym for "America's Missing: Broadcast Emergency Response," and was named for 9-year-old Amber Hagerman, who was abducted and murdered in Arlington, Texas, in 1996.

AMBER Alert

The reporting officer should make a great effort to assess the missing person's situation and determine if the person could be in danger. The reporting officer should immediately notify the on-scene supervisor if the victim may be in danger, abducted, or a victim of a crime.

In critical situations, there should be a determination made if the situation falls under AMBER Alert guidelines. If so, the watch commander should initiate an **AMBER Alert**. The AMBER Alert, named for 9-year-old Amber Hagerman, who was kidnapped from her neighborhood in Arlington, Texas, and killed, is a voluntary partnership between law enforcement agencies, broadcasters, and transportation agencies to activate an urgent bulletin in the most serious child abduction cases. Broadcasters use the Emergency Alert

Amber Hagerman

On January 13, 1996, 9-year-old Amber Hagerman was riding her bicycle in Arlington, Texas, when a neighbor heard her scream. The neighbor saw a man pull Amber off her bike, throw her into the front seat of his pick-up truck, and drive away at a high rate of speed. The neighbor called police and provided a description of the suspect and his vehicle. The Arlington Police and the FBI scoured the area interviewing neighbors and searching for the suspect and vehicle. Local radio and television stations covered the story in their regular newscasts. Four days later, the worst-case scenario became all too sobering. Amber's body was found in a drainage ditch four miles away. Her kidnapping and murder still remain unsolved.

PRACTICE HINTS

AMBER ALERT PROGRAM

The Amber Alert program was named for Amber Hagerman, a 9-year-old who was abducted and murdered in 1996. Amber was abducted while riding her bicycle in Arlington, Texas. A neighbor who witnessed the abduction called the police, and Amber's brother, Ricky, went home to tell his mother and grandparents what happened. Richard Hagerman and Amber's mother Donna Whitson called the news media and the FBI. The Whitsons and their neighbors began searching for Amber. Four days after the abduction, a man walking his dog found Amber's body in a storm drainage ditch. Her killer was never found causing her homicide to remain unsolved. Her parents soon established People Against Sex Offenders (P.A.S.O.). They collected signatures hoping to force the Texas Legislature into passing more stringent laws to protect children.

In July 1996, Richard Hagerman attended a media symposium in Arlington. Although Richard had remarks prepared, on the day of the event the organizers asked a Bruce Seybert to speak instead. In his 20-minute speech, Seybert spoke about efforts that local police could take quickly to help find missing children and how the media could facilitate those efforts. A reporter from radio station KRLD approached the Dallas police chief shortly afterward with Seybert's ideas. This launched the Amber Alert.

For the next two years, alerts were made manually to participating radio stations. In 1998, the Child Alert Foundation created the first fully automated Alert Notification System (ANS) to notify surrounding communities when a child was reported missing or abducted. Alerts were sent to radio stations as originally requested but included television stations, surrounding law enforcement agencies, newspapers, and local support organizations. These alerts were sent all at once via pagers, faxes, emails, and cell phones with the information immediately posted on the Internet for the general public to view.

In October 2001, the National Center for Missing and Exploited Children launched a campaign to have AMBER Alert systems established nationwide. By 2005, all 50 states had operational programs and today the program operates in a seamless capacity across state and jurisdictional boundaries.

AMBER Alerts are distributed via commercial radio stations, Internet radio, satellite radio, television stations, and cable TV by the Emergency Alert System and NOAA Weather Radio. There were some alternate regional alert names used, such as in Georgia, "Levi's Call" (named after Levi Frady); in Hawaii, "Maile Amber Alert" (after Maile Gilbert); and Arkansas, "Morgan Nick Amber Alert" (in memory of Morgan Chauntel Nick).

In order to launch an AMBER alert, police authorities need to meet four criteria simultaneously and with no exceptions:

1. The missing person is a child under the age of 18.
2. The police have reason to believe that the missing child has been abducted.
3. The police have reason to believe that the physical safety or the life of the child is in serious danger.
4. The police have information that may help locate the child, the suspect, and/or the suspect's vehicle.

PRACTICE HINTS

RUNAWAY/MISSING JUVENILE PROCEDURES

- The reporting officer should gather information regarding: child custody court orders, parents' involvement in a divorce or child custody battle, nonfamily abduction, domestic violence, child abuse or sexual assault, past instances of running away, name and address of school, and means of transportation to and from school.
- Consider a search of the child's home or school locker. The reporting officer should continue to search even after contacting the Juvenile Unit, in cases of critical missing children.
- If the agency uses the form, *A Request for Assistance and Authorization for Medical Treatment*, it should be completed anytime a parent/guardian reports a juvenile as "runaway" or ungovernable. This form gives officers parental permission to apprehend and hold the juvenile since there is no violation of criminal law.

The Reporting Officer Should:

1. Ensure the parent(s)/guardian(s) have read the form and understand their responsibility to return the runaway from outside the jurisdictional boundaries once apprehended as circumstances indicate.
2. Fill out the form as completely as possible and sign it as a witness.
3. Have the parent(s)/guardian(s) sign the form in the officer's presence.
4. If a foster parent or other placement, include all names and phone numbers of caseworkers in the official report.
5. When the runaway is found, officers should interview the juvenile to obtain intelligence information, such as "hideout" houses.
6. Cancel the runaway report by completing the appropriate paperwork.
7. Make arrangements for the juvenile to be transported back to the parent(s)/guardian(s) or to juvenile intake.

System to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. The goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe recovery of the child.

▶ Missing Adults

missing person
Someone who has disappeared for a long period of time, commonly with no known reason. Their photographs are often posted on bulletin boards, postcards, and websites.

Missing adults or missing persons require many of the same procedures that are followed in cases of missing children or juveniles. A missing person is someone whose whereabouts is unknown to the reporting party. A **missing person** is someone who has disappeared for a long period of time, commonly with no known reason. By the end of 2017, there were 88,089 active missing person records according to the U.S. Department of Justice. You may see their photographs posted on bulletin boards, postcards, and websites, with a phone number to call if someone sees that missing person. There is generally no waiting period for reporting a person missing. Most law enforcement agencies must accept a report of a missing person without delay and give priority to the handling of the report.

There are many reasons why people disappear. Often an individual chooses to disappear voluntarily; most such individuals return within a short period of time. Some missing persons in the United States never return home. One reason for this may be that many people leave home simply to start again in a new place under a new name. They may have had difficulties with individuals in their lives, or they may have lost someone and

wish to begin a new life in a new location. In some cases, individuals choose to commit suicide in a remote location or under an assumed name to spare their families the shame of a suicide or to allow their deaths to be eventually declared, which may allow survivors to collect on insurance premiums.

A common misconception is that a person must be absent for 72 hours before being legally classified as missing. This is rarely the case. There is usually no time limitation as to when someone can be reported as missing. In instances where there is evidence of violence or of an unusual absence, law enforcement agencies often stress the importance of beginning an investigation promptly. Most law enforcement agencies must accept any report, including a report by telephone, of a missing person. This must be done without delay and with priority given to the handling of the report. The reporting officer investigating a missing adult should gather the following information on the person:

- Date, time, and location last seen.
- Physical condition of subject.
- Identity of anyone who may have been accompanying the subject.
- Recent photograph.
- Information about circumstances of disappearance, especially any unusual circumstances that might indicate the person was abducted or is otherwise at risk of harm.
- Identity of associates, friends, relatives, and others who might have information about the whereabouts of the person.
- Whether the subject has been reported missing or runaway on prior occasions and the degree to which this absence is different from past instances.
- Information about the extent of any search for the subject prior to being reported missing.
- Any information about where the missing person might have gone, or places the missing person frequents.
- If the subject has been involved in any recent domestic incidents; suffered emotional trauma or a life crisis; demonstrated unusual, uncharacteristic, or bizarre behavior; is dependent on drugs or alcohol; has a history of mental illness or is taking prescription medication.
- If appropriate, complete the necessary paperwork and enter the missing person into the NCIC computer system.

Recovery of Missing Persons

If the location of a missing person is discovered, competent adults cannot be forced to return home. Officers should advise the missing person that they are the subject of an investigation. The missing subject should be asked if the officer can advise the reporting party of the subject's whereabouts. Requests to not have their whereabouts revealed should be honored. This is especially true in cases involving domestic disputes where the reported missing person could be placed in imminent danger should the other half of the dispute discover the person's whereabouts.

All missing persons who are located should be checked for outstanding warrants. In all cases, the reporting person should be informed of the well-being of the missing person. The missing person's notice should be cancelled by notifying the appropriate personnel and organizations as soon as possible.

▶ Human Trafficking

human trafficking The illegal trade in human beings for the purpose of commercial sexual exploitation or forced labor. Human trafficking is referred to as a form of modern day slavery.

Because the United States is regarded as a destination country for **human trafficking**, police officers may come into contact with victims of human trafficking. This contact may be as simple as a police officer who is dispatched to investigate the welfare of young girls who have been seen hanging around, for example, a hotel. The officer subsequently discovers that the girls have been reported as runaways and while on the street were forced into prostitution. Human trafficking is what many call modern day slavery. It involves the exploitation of a person for the purpose of prostitution or other sex abuse, slavery, forced labor, and the like. Runaway youths who take to the streets are at an increased risk of becoming a victim of human trafficking. It is important that police officers become familiar with the types of human trafficking that they may encounter.

Labor trafficking is basically forcing a victim to work for little or no money. It can occur in underground markets as well as legitimate business such as hotels, restaurants, food processing plants, manufacturing, landscaping, and construction. Domestic servitude is a form of labor trafficking where victims are forced to live and work in the homes of employers who confiscate their legal documents to prevent them from leaving. Victims may also be coerced through violence to perform labor. Labor trafficking victims are both adult and children, and male and female. Often victims are kept in isolation in order to prevent them from getting help. Police officers when dealing with a suspected human labor trafficking should be mindful of the following questions below. While an affirmative answer to one or more of these question may in fact not lead to a conclusion that labor trafficking is taking place, but the officer should weigh a constellation factors based on the specific situation.

- Does the person have control of his/her travel documents? If not, who has control?
- Is the person getting paid for his/her labor?
- What's the person's general demeanor—are they fearful and timid?
- Do they appear to be submissive?
- Does someone else seem to be in control of the situation?
- Was the person recruited for one job and forced to engage in some other job?
- Does the person work excessively long and unusual hours?
- Is the person inadequately dressed for the situation or work they do?
- Can the person freely contact family and friends?
- Where does the person live?
- Do they have personal possessions?

Field patrol officers are more likely to encounter sex trafficking during contacts with runaway youth found on the street as well as persons thought to be homeless. Sex trafficking is the act of forcing, coercing, or transporting a person for the purpose of a commercial sex act. Victims can be both adults and youth, and a majority of victims being female. There are cases where girls as young as 12 years of age are forced into prostitution. As part of their method of operation, sex traffickers will frequently target the vulnerable female victims with histories of abuse. They then use coercion and manipulation in the form of violence, threats, lies, false promises, or other forms to keep their victims involved in the sex industry.

Sex trafficking has grown at an alarming rate both within the United States and abroad. It is estimated that each year 800,000 women and children are trafficked across international borders. The United Nations estimates that well over 2 million persons around the world are lured into sex trafficking at any given time. In the United States, it is estimated that each year there are anywhere from 50,000 to 100,000 children being forced into prostitution in what has grown to a multiple billion dollar illicit industry. Sex trafficking frequently occurs in

brothels, massage parlors, adult entertainment establishments, street prostitution venues, and escort services. Police field patrol officers should be diligent when coming into contact with female homeless persons and runaway youth, and when inspecting adult entertainment establishments and other locations where human sex trafficking may be prevalent. The following tips are offered to help police officers identify victims of human sex trafficking:

- Be aware of trafficking when responding to certain call types, such as reports of foot traffic in and out of a house. Consider situations that seem similar to drug complaints.
- Look closely at calls for assaults, domestic situations, verbal disputes, or thefts. These could involve a trafficking victim being abused and disciplined by a trafficker, a customer having a dispute with a victim, or a client who had money taken during a sex act.
- Locations, such as truck stops, strip clubs, massage parlors, and cheap motels, are havens for prostitutes forced into sex trafficking. Many massage parlors and strip clubs that engage in sex trafficking will have cramped living quarters where the victims are forced to stay.
- When encountering prostitutes and other victims of trafficking, do not display judgment or talk down to them. Understand the violent nature in how they are forced into trafficking, which explains their lack of cooperation. Speak with them in a location completely safe and away from other people, including potential victims.
- Check for identification. Traffickers take the victims' identification and, in cases of foreign nationals, their travel information. The lack of either item should raise concern (Walker-Rodriguez & Hill, 2011, 7).

▶ Welfare Checks

You haven't seen your neighbor, Mr. Smith, for several days. Mr. Smith is 81 years old and lives alone. You think to yourself, "This is unusual, he always picks up his newspaper, but yet the last two morning editions are laying in his driveway." You hope Mr. Smith is OK. You slowly walk toward Mr. Smith's residence and knock on the front door. There is no reply. You knock again, louder. There is still no reply. Worried that something is terribly wrong you call the police.

After several minutes two police officers arrive and make contact with you. You explain to the officers that you have not seen Mr. Smith for several days and this is really unusual. The officers advise you that they will check it out. You observe the officers knock on the front door. There is no reply. They walk around to the back door and knock loudly while yelling Mr. Smith's name out loud. After several minutes the door opens and Mr. Smith, wearing what appears to be pajamas and a house robe, slowly steps onto the back porch. Mr. Smith explains to the officers that he has been sick the past few days and has been on bedrest. He further explains that his bedroom is in the rear of the residence and because he is hard of hearing, he can't hear if someone knocks on the front door. The officers ask if there is anyone they can call. Mr. Smith says no, and advises the officers that his son will be visiting him tomorrow.

The officers bid a good evening to Mr. Smith and then advise the neighbor of the situation. The officers further advise the neighbor that he did the right thing by calling and that it is good that neighbors look out for one another. The police, in this case, have performed what is commonly referred to as a welfare check. Welfare check calls are very common in police work.

Fortunately, in the prior scenario there was a good ending; however, in many welfare check calls this is not the case. In one particular welfare check call, an individual was not heard from or seen for several days. After arriving at the scene, a family member related to the officers that her brother had just been laid off from his job and was very depressed. She

was worried about him because he had made some suicide threats. Once officers entered the residence they found the victim in his bedroom slumped over the bed. The victim committed suicide by shooting himself in the head with a 22-caliber handgun. The point here is that police officers have been called to make welfare checks and have found suicides, homicides, natural deaths, and a sundry of other situations. It is imperative that police officers always take welfare check calls seriously.

While there are many different potential outcomes for welfare check calls, what follows are some general guidelines that may be helpful for police officers when responding to these types of calls:

1. Obtain as much detail from the dispatcher as possible while driving to a welfare check call.
2. Upon arrival, talk to the reporting party first to glean as much detail as possible (e.g., when was the occupant(s) last seen, do they have family nearby, who has a key to the residence, how may cars should be in the driveway or garage, has the mail been checked, has the newspaper been picked up, how many live in the residence, has anyone noticed unusual persons coming and going, has anyone smelled any unusual odors).
3. Talk to neighbors to inquire if they have seen or heard anything unusual.
4. After the initial assessment, knock on the door. If there is no reply, walk around the residence and peer into the windows. Next, knock on the back door. If there is nothing unusual found during the initial investigation, there is probably no additional action that can be taken. You may call a relative with a key to come to the scene. The relative may wish to enter the residence.
5. In the case that an odor is smelled, such as gas coming from the residence, contact a supervisor and call the fire department.
6. If the situation is an exigent one, where a body can be seen laying on the floor by looking in the window, contact a supervisor for permission to use force to enter into the residence. A search warrant is not required here due to the exigency of this situation. In other words, it is an emergency situation and the exigency is an exception to the Fourth Amendment's requirement for a search warrant.
7. If an elderly person is found to be alone in a residence that has been the subject of a welfare check call, attempt to contact a relative or friend and explain the situation to them. If the elderly person has no relatives living in the area, other resources may be used, such as temporary shelters for the elderly, senior citizen organizations, the department on aging, and temporary care services. Of course, if the elderly person is ill and is in need of medical treatment, paramedics should be summoned to the scene.

Checking the Welfare of Children

In some cases officers are called to check the welfare of children. In these cases, if the child is being exposed to dangerous living conditions, the child should be removed from the home and taken into protective police custody. The officer should use good judgment as to the nature of dangerous living conditions. Being without water and electricity will justify taking a child into protective custody, while in other cases the justification may be physical signs of **child abuse**. Child abuse is harm to, or neglect of, a child by another person, whether adult or child. Child abuse happens in all cultural, ethnic, and income groups.

child abuse The physical or psychological mistreatment of a child by his or her parents (including adoptive parents), guardians, or other adults. While this term emphasizes carrying out wrong acts, a related term is child neglect: not doing what is necessary, negligence. The combined problem area is often called child abuse and neglect.

In recent years, the public's increased awareness and reports of suspected child abuse have put pressure on law enforcement to improve their investigations of such cases. Police

officers frequently must make a determination as to whether a child's accident or illness was caused by a parent or caretaker; however, it is often difficult even for medical personnel to discriminate between injuries and illnesses that are accidental and those that are not. Officers must determine whether the explanation for an injury is believable. Police should begin their investigation by asking the caretaker or parent for an explanation of the child's bruises or injuries. This is best done by simply asking how the accident happened. If the officer is still suspicious, specialized child abuse units or investigators should be notified and advised of the situation.

All bruises and other trauma must be investigated. If bruises are found on two or more planes of a child's body, officers should be even more suspicious; for example, a child has bruises on the back and stomach. The caretaker's explanation is that the child fell backward in the living room of the family home. This might explain the bruises on the back, but not the stomach bruises. If a discrepancy exists between the reported cause of an injury and the injuries seen, officers should investigate further.

There are four major types of child abuse that officers may encounter on a welfare check call: physical abuse, sexual abuse, emotional abuse, and neglect. Physical child abuse is an injury resulting from physical aggression. This type of abuse is often the most obvious to police officers. The injury from physical child abuse may be the result of:

- Beating, slapping, or hitting.
- Pushing, shaking, kicking, or throwing.
- Pinching, biting, choking, or hair pulling.
- Burning with cigarettes, scalding water, or other hot objects.
- Severe physical punishment.

▶ The Mentally Ill

A mentally ill person is any person who is suffering from a mental disorder. A mental disorder may be manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or impairment in one or more important areas of functioning. This may involve substantial behavioral, psychological, or biological dysfunction, to the extent that the person is in need of treatment. Police officers are increasingly coming into contact with persons suffering from mental illness (Watson, Corrigan, & Ottati, 2004). In some cases, a person may exhibit obvious signs of mental illness by acting out what is perceived as strange or odd behavior, while in others cases the mental illness is not so obvious and may be latent.

There are a number of factors that have influenced the increased police contact with the mentally ill. These factors include displacement from institutional settings without adequate increases to community support, below-poverty-level disability assistance rates, homelessness, and reduced provincial and general hospital psychiatric capacities resulting in inadequate treatment stabilization.

It may surprise you to know that a fair amount of crime victims that police deal with also have a mental illness. Violence against people with mental health problems is a serious issue and a chronic problem for those who experience it. More than one-fourth of persons with severe mental illness are victims of violent crime in the course of a year, a rate 11 times higher than that of the general population, according to a study by researchers at Northwestern University. They estimated that nearly 3 million severely mentally ill people are crime victims each year in the United States (Teplin et al., 2005). Training to improve not only awareness, but also response strategies, to the problem of violence against people with mental health problems for the police force should be increased.

Police officers should recognize that just because a person they are called to deal with exhibits bizarre or different behavior does not necessarily mean that they are criminals. Likewise, the typical response to suspected criminal activity (containment, interrogation, detention) may not be appropriate when dealing with a person with a mental illness, especially when in crisis. Suppose that officers are called to check on a man sleeping under a blanket in the park. The officers notice that the man is acting strange, talking to himself, and rolling around in his blanket in what appears to be a jolting and violent manner. By talking to this man and asking questions, the officers determine that the man is a Vietnam War veteran who is having a flashback. By talking to this person and asking the right questions, the officers are able to resolve the situation without using force.

This book has advocated the need for police officers to become effective communicators. Likewise, when dealing with mentally ill persons effective communication can mean the difference between a potentially dangerous altercation and the successful resolution of the incident. According to Cordner (2006), police officers can resolve the most threatening of situations involving people with mental illness by maintaining a calm demeanor, using good oral and nonverbal communication, and using proper tactics; however, when communication techniques fail, it is crucial to have additional alternatives short of deadly force. Too often in the past, police officers who have encountered people experiencing mental health crises have used poor tactics, which in some cases turned immediately to the use of deadly force.

It is a good idea for police officers to become familiar with the mental health resources located in their communities and how to contact them, if needed. Officers should also get into the habit of carrying brochures that detail mental health facilities and services in their community. These brochures are also ideal because they can be disseminated to family members of mentally ill persons. It is important for officers to increasingly become more sensitive to the mentally ill, be prepared to refer them to appropriate resources, and not just jail them as a matter of routine to quickly solve a problem.

When the officer has the choice between jail and mental healthcare, the jail is almost always available, but the mental health system is not always available and is not always convenient even when it is available. Often, as a quick fix, police officers get into the habit of booking the mentally ill into the jail; however, this is problematic because it takes up needed jail space, and it does little to solve the problem in the long term. If, however, the mentally ill person has committed a crime, the police officer may be left with little alternative other than jail.

Officers that have contact with persons that appear to be mentally ill should make a wholehearted effort to determine if witnesses, neighbors, and/or family have witnessed behavior that would lead a reasonable person to believe that the subject is a danger to themselves or others. The officer should pay attention to evidence at the scene that indicates that the subject is a danger to themselves or others. If the officer determines, through appropriate investigation, that an individual presents a potential danger to themselves or others, emergency care should be initiated. The officer should arrange for transportation of the subject to a treatment facility for evaluation.

homelessness A situation where a person does not have a permanent place of residence. Often homeless persons live on the street or in abandoned buildings.

▶ The Homeless Population

Homelessness is an extremely complex social problem that impacts the quality of life in the community. According to a U.S. Housing and Urban Affairs report, in 2017, there were 553,742 people experiencing homelessness in the United States. For every 10,000 people in the country, 17 were experiencing homelessness. Approximately 65 percent were staying in emergency shelters or transitional housing programs, and about one-third (35 percent) were in unsheltered locations.

Homeless persons suffer from high rates of mental and physical health problems exacerbated by living on the streets and in shelters. Generally speaking, homeless individuals and families are those who are sleeping in places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings, or those who are sleeping in an emergency shelter as a primary nighttime residence.

Racial and ethnic minorities, particularly African-Americans, are overrepresented among homeless populations; for example, one report issued by the U.S. Housing and Urban Development revealed that 41 percent of the homeless population are African-American and 47 percent are White, with Hispanics, Native Americans, and Asians representing just over 12 percent collectively (U.S. Housing and Urban Development, 2017).

Homelessness creates an especially perplexing problem for the police. Simply being homeless in many jurisdictions is not a crime; however, it is the lifestyle that many homeless persons lead that is a crime. Living in abandoned buildings and parks may be a violation of city ordinances and perhaps other state statutes. Homeless persons may start a fire to stay warm in an abandoned building, the fire gets out of control, and the building and surrounding buildings are damaged. The homeless person who begs for money or panhandles in a busy downtown area may be guilty of violating city ordinances. While police officers may be sensitive to the plight of the homeless person, the officer must balance this with the effective enforcement of laws that the homeless person may have violated.

The mere sight of a homeless person can create a certain amount of fear among the general citizenry. Unfortunately, as most police officers know, simply arresting the homeless person who is panhandling will do little to resolve the problem. The homeless person who is arrested will be back out of jail in a few hours or days at the most, and return to the street engaged in the same activity. It is important for the police to work with other social services to minimize the illegal activity that homeless persons may be involved in. The problem of homelessness is a pathology that goes beyond the police response. It must be realized that for persons forced to live in public spaces without access to shelter, public restrooms, and places to store their belongings, life continues to be disastrous.

Some cities have made great strides in addressing the problem of homelessness. The Public Safety and Regulatory Services Committee of the Minneapolis City Council ordered the Community Advisory Board on Homelessness to address building code issues and homelessness. The result was the creation of a Decriminalization Task Force to review all laws, policies, and practices that have the effect of criminalizing homelessness, and reporting back to the city and county with recommendations (Illegal to be Homeless Report, 2004). The Task Force sets the foundation for an increase in social services and assistance as a pathway to ending the criminalization of homelessness in Minneapolis. The following recommendations were subsequently presented to the city council for discussion and approval:

1. **Ordinance changes**—These include the repealing of an anticamping ordinance and the rewording of other ordinances, such as trespassing, panhandling, loitering, shelter restrictions, interference with traffic, and public urination.
2. **Police protocols**—Training police to link homeless people to services will meet the needs of homeless people while ensuring the protection of their civil rights. Changes include the requirement of a complaint before police presence, a notice to campers before eviction, referrals to providers, and improvements in the handling of property belonging to those experiencing homelessness.
3. **Vagrancy charges**—Vagrancy laws are remnants of a previous era of law enforcement. Minnesota's vagrancy statute should be repealed.
4. **Public testimony**—Time should be allotted whereby public testimony is scheduled to allow advocates and people who have or are currently experiencing homelessness to come forward and speak to the city council and mayor on the issues stated previously.

These four items are part of a serious effort to address some of the immediate issues homeless people encounter on a daily basis. At the same time, a task force began dialogue between the city attorney's office, the police department, and the civil rights' department to deal with long-term issues and create constructive alternatives to the criminalization of homelessness. The task force also conducts ongoing discussions to address the following:

1. **City attorney policies and programs**—Geographic restrictions resulting in banishment in certain areas should be halted and a less punitive approach should be taken toward people experiencing homelessness.
2. **Civilian review authority**—In its role as a police watchdog body, the Civilian Review Authority should work with homeless providers to make it easier for people experiencing homelessness to report police misconduct.
3. **Police protocols**—Mental health workers should respond to calls involving those experiencing mental illness, while 911 dispatchers should review procedures to see if more calls can be directed to mental health workers.
4. **Police training and instructions**—All officers should be instructed to treat every resident, even those experiencing homelessness, with respect. In addition, officers should undergo training on services that are available to people experiencing homelessness. Officers would also be issued resource cards to guide people to appropriate services.
5. **Police positions/services**—A police officer should be assigned to help homeless people who are perpetrators or victims of crime, and a mental health specialist position should be created to provide training and services.

▶ Abandoned Vehicles

Imagine for a moment that you are driving through a neighborhood that you are not familiar with. As you drive through the neighborhood streets you notice several abandoned cars left parked on the street, some of them up on jacks with the wheels and tires noticeably missing. The abandoned cars probably don't leave a very good impression of the neighborhood, and perhaps create a bit of fear that the neighborhood may be full of crime.

Some car owners abandon old vehicles without caring about the consequences. This creates an eyesore and can encourage vandalism and arson, endangering lives, property, and the environment. Abandoned vehicles can lower property values and have a negative impact on the quality of life. People abandon vehicles for a variety of reasons, including the increased cost of vehicle ownership, low scrap-metal prices (meaning that people are charged by scrap dealers to take vehicles), and the desire to avoid the penalty for keeping a vehicle on the road illegally. Vehicles left abandoned on streets degrade the neighborhood, cause health hazards, and become a magnet for antisocial behavior.

The problem of abandoned vehicles in a community is a quality of life issue and should be addressed by the police. Abandoned vehicles are those vehicles that have been left on public streets and may have one or more of the following characteristics:

- Dismantled, partially or fully.
- In a state of disrepair (broken windows, sitting on blocks, etc.).
- Missing license plates.
- Filled with garbage.
- Sitting in the same spot for several days and appearing nonoperational.
- In front of a residence in which owners have moved away.
- Sitting in the street on jacks with the wheels missing.

Abandoned Vehicles on Public Roadways

Police officers should promptly investigate reports of abandoned vehicles on public roadways. If the vehicle is not an immediate traffic hazard, it should be marked with an orange "Vehicle Courtesy Check" sticker. The vehicle should be checked to ensure that it is not stolen, which can be done by running a check on the license tag and the vehicle identification number. The owner can be located in the same manner. The tire should be marked to determine if the vehicle has been moved when rechecked. Officers should then complete the standard departmental abandoned vehicle reports and record all pertinent information. After a specified time has elapsed (which may vary by individual state law), the officer should then determine if the vehicle has been moved. If the vehicle has not been moved, it can be towed and cited for being abandoned on the public roadway.

Abandoned Vehicles on Private Property

The police can tow an abandoned vehicle from private property when all attempts have been exhausted in locating the owner or when the vehicle is in violation of an ordinance or statute. Primarily, the same procedures should be followed as in the case of investigating an abandoned vehicle on public property; however, many police departments will require the owner of the property where the abandoned vehicle is located to sign a "hold harmless agreement" form. The hold harmless agreement basically states that the owner of the property, where the abandoned vehicle is being towed from, releases and holds harmless the law enforcement agency and the governing body from any and all liability resulting from removal, towing, and storage of said vehicle(s).

▶ Stalled Vehicles

A single stalled vehicle can create a traffic jam of gigantic proportions. If you have ever been driving in rush hour traffic and happen to come upon a stalled vehicle, you probably have experienced the frustration of congested and slow-moving traffic. The congestion caused by a stalled vehicle can pose a potential accident hazard, so it is imperative that the police deal with stalled vehicles expediently and effectively. Vehicle traffic on the roadway must remain free-flowing and collision free.

The police officer is usually a welcome sight at the scene of a stalled vehicle. When an officer investigates a stalled vehicle the first consideration is to strategically park the patrol vehicle behind the stalled vehicle. The officer should position the patrol car just a few feet behind the stalled vehicle for protection. If the officer has traffic cones or traffic flares, they should be placed at least 50 or more yards behind the stalled car in order to alert other motorists. Traffic cones or flares can be placed in several locations. One cone should be placed 50 or so yards behind the stalled vehicle, another cone placed at 25 yards behind the stalled vehicle, and then one at 10 yards. This strategic placement offers maximum warning to approaching drivers.

If the driver is not present, and if traffic is heavy, the officer should call to have the vehicle towed in order to avoid serious traffic congestion and prevent a traffic accident. If the driver is absent from the car, but traffic is relatively light, the officer may elect to attempt to spend a few minutes locating the driver as opposed to towing the car. Once again, the traffic volume and time of day will most likely dictate the officer's decision whether to tow the vehicle immediately. If possible, the stalled car should be pushed onto the shoulder of the roadway or completely off the roadway and into a parking lot. If necessary, the officer should direct traffic until the stalled vehicle has been safely removed from the roadway.

If the location of the stalled vehicle dictates that the officer direct traffic in order to keep the traffic moving smoothly, the officer should wear a reflective orange vest that is highly visible to approaching traffic. If at night, the officer should place flares around the stalled vehicle and utilize a flashlight with an orange cone attachment. The traffic-directing LED light is an effective light used for manual traffic direction as it has four built-in ultra-bright LED lights that produce an attention-getting flash pattern guaranteed to attract attention and increase the officer's visibility. The special fluorescent-coated diffuser enhances red light output. The LED light runs on two D-cell batteries that will run for 400 hours.

A stalled vehicle in a congested traffic route presents several threats. First, motorists who are frustrated by the congestion may attempt to maneuver their cars in and out of traffic in an attempt to get through traffic quickly, which increases the chances for an accident. Second, the stalled vehicle will assuredly result in motorists who just have to look as they drive by, not paying attention to what's in front of them. Invariably, while they are looking at the stalled car, they run into the rear of another car. This can result in a chain reaction.

road rage The deliberate dangerous and/or violent behavior under the influence of heightened, violent emotion such as anger and frustration, with regard to the use of automobiles. Road rage is violence exhibited by drivers in traffic.

It is also possible that **road rage** may develop in an overanxious driver who is trying to maneuver his or her way through the traffic to no avail. Road rage is a term used to refer to violent incidents caused primarily due to the inability to control one's anger while driving, which causes accidents or incidents on roadways. It is often a natural extension of aggressive driving.

▶ Lost Property

We have all lost personal property from time to time. It may be that we dropped our wallet in a restaurant only to discover it missing hours later. Perhaps we may have left our watch in the locker room at the health club. When a citizen calls the police to report lost property, the officer normally handles these types of reports in a fairly standard manner.

The first thing the officer must determine is the fact that the property has indeed been lost and not stolen. The officer proceeds with recording basic identifying information about the property. This includes a description of the property, identifying marks, serial number, model number, and any specific distinguishing marks or characteristics that would make the property readily identifiable. A distinguishing characteristic may be the owner's engraved initials on the back of a watch. It is also important to try and narrow down the location where the property was lost. When was the last time the reporting party saw the property? Did the reporting party leave the property laying somewhere? Did anyone else have possession of the property? These are all relevant questions that should be asked and answered. Once the officer obtains a thorough description of the property, a lost property case should be cut through records and a written report prepared.

▶ Stolen Property

A stolen property report is handled much the same way as a lost property report. The only difference is that in a stolen property report, a crime has been committed and there may be evidence at the scene to process. The officer should make a determination regarding where the property was taken from and the approximate time of the theft. In a larceny case where a lawn mower was taken from the backyard of the victim's residence, it is important to determine the approximate time of the theft. When was the last time the victim saw the lawn mower? When did the victim discover it missing? With this information, the officer

can narrow down the time of the theft to between 3:00 PM (the last time the mower was seen) and 8:00 PM (when the victim discovered the lawn mower missing).

A thorough description of the property must be gathered. The description should include model and serial numbers, if known. Distinguishing marks and characteristics, and the value of the property must be determined. In some cases the victim may have a picture of the property; the officer should request a copy of the picture. Officers should, like other crime scenes, diagram or note in their report where the property was located when it was stolen. In cases of great dollar loss, photographs should be taken of the crime scene. Photographs can provide permanent documentation of where the property was located and can also depict any damage or marks created by the suspect(s) during the crime.

Victims should be asked if they know of anyone who may have committed the theft. Likewise, in the case of a larceny or burglary, the officer should conduct a neighborhood check in an effort to determine if anyone saw or heard anything unusual. If there is an abundance of evidence left at the scene, a crime lab should be called to process the scene. Evidence could include footprints in the mud left by the suspect, or blood evidence where the suspect(s) cut themselves crawling through a window. This will vary depending on the individual police agency and the dollar loss involved in the crime. In a burglary case where the dollar loss is in the tens of thousands, it is wise to call a crime lab to process the scene.

FINDING STOLEN PROPERTY

The best way to find property once it is lost or stolen is to have up-to-date records, pictures, or video noting serial and model numbers, if available, or to place an "owner-applied number" on items without a serial number. Unique numbers make identifying and matching items to the rightful owner easier, as a national database is used to track stolen and recovered items via serial number once the item is reported lost, stolen, or found; however, if this information is not available, a detailed description will help, as will a general idea of when and where the property was lost or stolen.

▶ Repeat Calls

Repeat calls for police services take up an enormous amount of police resources. Most police officers can attest to the fact that there are always a few locations on their beats that are the subject of repeat calls. In some cases, due to the nature of the problem, there is little the police may do to prevent repeat calls. In some cases, however, repeat calls to a particular location are the result of officers haphazardly dealing with the situation. Officers may find it helpful to apply problem-solving approaches to locations that result in repeat calls for police services.

Recall from Chapter 4, problem solving works by identifying and dealing with the root causes of a problem instead of repeatedly responding to the consequences (Goldstein, 1990). The concept of problem solving is best illustrated by the following fictitious example. Suppose police have responded several times a day to calls from a neighborhood that is located near a popular bar. The calls result in the police dispersing drunk and disorderly persons who hang out in the bar's parking lot. Under the incident model, police would simply dispatch officers to the scene, take action, and maybe file a report. In itself, this would do little to resolve the long-term problems of disorder and drinking in public.

PRACTICE HINTS

SARA PROBLEM-SOLVING MODEL AT A GLANCE

- **Scanning**—Identifying the problem.
- **Analysis**—Learning the problem's causes, scope, and effects.
- **Response**—Acting to alleviate the problem.
- **Assessment**—Determining whether the response worked.

Under the problem-solving approach, police would collect some additional information. This may include surveying residents, analyzing the time of day when incidents occurred, determining how often the night club has been fined for allowing persons to leave the establishment with alcohol, and evaluating characteristics of the environment. The results of this analysis would be used to craft a customized response to the disorder and public drinking. Periodically, the effectiveness of the response would be tested and reviewed, and the response would be further optimized.

Taking a problem-solving approach to addressing specific repeat calls requires a broad inquiry into the nature of the particular problem. As part of that inquiry, police may find it useful to analyze the patterns of repeat calls relating to specific victims, locations, and offenders. Research has shown that a small minority of locations account for a fairly large amount of calls for police services. The same holds true for offenders; that is, a small number of offenders account for a fairly large amount of crime. Some researchers have found that as much as 60 percent of calls for police services come from about 10 percent of locations (Spelman & Eck, 1989). If you are a police officer reading this book, you can probably think of a few locations on your beat or within your community that take up a large portion of police resources due to repeat calls.

The SARA problem-solving model may provide an excellent tool for police officers to use to address repeat calls for services at a particular location. The SARA model is widely applicable to problems faced by many neighborhoods. In brief, the SARA model proposes that first a Scanning exercise should be undertaken, in which a clear understanding of the problem is identified. The Scanning phase is followed by an Analysis phase, where a comprehensive review of the problem takes place, drawing on the data identified during the Scanning phase. The analysis results will inform the Response phase of the method, where a design for intervention and crime reduction should be implemented, with appropriate structure being put in place to monitor and modify the implementation where necessary. The final Assessment stage is intended to determine whether the response worked. If the response had little or no effect, more analysis can be completed so that a more appropriate response can be applied. If the response resulted in a positive change, the officer can determine what is required, if anything, to maintain the change. Revisit Chapter 3 for a more detailed discussion of the SARA problem-solving model.

▶ Citizen Contacts

Casual conversations with citizens are a vital law enforcement function. Actions such as knock and talks, conversing with persons in public, and other similar actions are encouraged, but should end when the person indicates a desire to end the contact, and the officer has no reason to detain the person under applicable legal authority. Friendly contacts with citizens in neighborhoods that have poor relations with the police are especially

encouraged. If business cards are made available by the department, officers are encouraged to leave a business card with every contact who does not receive the officer's name in writing. The primary officer on a call would leave a business card, unless one is specifically requested from another officer participating in the police activity.

Officers should keep in mind that perception can create community dissension as quickly as reality. Therefore, it is important that officers take all reasonable steps to prevent giving a perception of stopping citizens without legal basis or in violation of the department's policy and procedure. Creating an appearance that the person stopped is suspected of grievous conduct when no such reasons exist should be avoided. An example of this would be an officer stopping a person for a minor traffic violation and more officers are present at the scene than necessary to safely complete the law enforcement business at hand.

When greeting citizens, police officers should be kind and deliver an appropriate greeting, such as "good morning." A verbal introduction is also a good way to make a good impression on the citizen: "Good morning, I am Officer Jones from the Somewhere in America Police Department." If the officer is stopping the citizen for some justified reason, a polite explanation of the reason for the stop should be provided by the officer. Certain tactical reasons may exist, making this greeting impractical. Officers should skip the greeting if tactical circumstances exist.

Anticrime efforts often call for increased public contacts based on minor infractions and minor law violations. These operations are sometimes referred to as **zero tolerance**. Zero tolerance basically means that officers engage in aggressive patrolling, including stopping persons for minor violations. Such stops must always be made with reason to believe the person has been, is, or is going to commit a crime. In zero tolerance operations the officers should use great discretion in determining the appropriate level of police action necessary to reasonably assure compliance. The primary purpose of zero tolerance operations is high visibility and increased contacts. Police officers should always conduct themselves in a professional manner when involved in zero tolerance activities. If possible, citizens living in the neighborhood should be briefed on the reasons for the increase in police contacts in the neighborhood. This can go a long way in dispelling rumors of police harassment.

zero tolerance A police tactic where officers engage in aggressive patrolling, including stopping persons for minor violations. Zero tolerance tactics are usually carried out in areas that have a high incidence of crime.

Summary

- Police officers handle a significant amount of service-related calls during a typical tour of duty. The media often portrays police work as glamorous crime-fighting tasks. While police do perform their fair share of crime fighting, estimates reveal that anywhere from 60 to 90 percent of a police officer's job is service-related.
- Service-related calls may include lost adults or children, disputes, directing traffic, assisting a citizen, welfare checks, checking buildings, helping stranded motorists, motor vehicle accidents, abandoned vehicles, lost property, found property, and the like.
- Police officers are often called to mediate disputes. Some disputes are minor and may be as simple as neighbors arguing over a property issue, while other disputes may be of a more serious nature, such as domestic violence.
- Police officers should practice good officer safety skills when dealing with any dispute, regardless of the perceived magnitude. Dispute calls can be potentially dangerous for officers. Each year there are officers killed in the line of duty while investigating dispute calls.
- The most important skill for police officers in resolving a dispute is effective communication. Police officers should always keep in mind that what you say is not nearly as important as how you say it. Thus, in handling a dispute, effective communication skills are the best tool the officer has.
- Suspicious character calls are a fairly common police call. In most cases, they require minimal action on the part of the officer; however, the officer must use due caution when responding to suspicious character calls because it is never certain what the officer will encounter. The suspicious character could be the

salesman who is lost and trying to find an address or it could be the lookout person for a burglary in progress. Like most other police calls, officers should approach a suspicious character call exercising good officer safety techniques.

- Prowler calls, much like suspicious character calls, can be dangerous for police officers largely because the officers have little idea what they are getting themselves into. The prowler may simply be a law-abiding citizen walking his dog or it could be a peeping Tom who is making rounds in the neighborhood peering in windows.
- There are different types of missing children that police typically deal with: family abductions; endangered runaways; nonfamily abductions; and lost, injured, or otherwise missing children. Regardless, police officers should treat any missing child with immediacy.
- The largest number of missing children happen to be runaways, followed by family abductions; then lost, injured, or otherwise missing children, and finally, the smallest category, but the one in which the child is at greatest risk of injury or death, nonfamily abductions.
- In critical situations, it should be determined if the missing child falls under AMBER Alert guidelines. An AMBER Alert is a notification to the general public, by media outlets, that an abduction of a child has happened. AMBER is an acronym for "America's Missing: Broadcast Emergency Response," and was named for 9-year-old Amber Hagerman, who was abducted and murdered in Arlington, Texas, in 1996.
- A missing adult or missing person requires many of the same procedures that are followed in cases of missing children or juveniles. A missing person is someone whose whereabouts is unknown to the reporting party. A common misconception is that a person must be absent for a certain amount of time before being legally classified as missing. This is rarely the case. In instances where there is evidence of violence or of an unusual absence, law enforcement agencies often stress the importance of beginning an investigation promptly.
- Human trafficking has grown at alarming rates both within the United States and abroad. Human trafficking is the illegal trade in human beings for the purpose of commercial or sexual exploitation. In commercial or labor trafficking, victims are lured into performing menial labor for little or no compensation. Sex trafficking involves adults and children that are forced into prostitution and other forms of illicit sex. Human traffickers coerce their victims by threats, violence, deception, abduction, and abuse of power. Many vulnerable populations such as runaway youth and women who have been abused are especially at risk of being coerced and trapped into human trafficking. The nature of a welfare check call may vary. One example of a welfare check call is when police are called to check on an elderly neighbor who has not been seen for days. Sometimes police find the worst case during a welfare check call, such as suicides and homicides. Welfare check calls should always be taken seriously.
- In some cases police may encounter child abuse or abandoned children during a welfare check call. It may be that a parent(s) left their small children at home alone while they went out for a night of partying at the local night club. In the case of discovered child abuse, there are generally four types that could be encountered by police officers: physical abuse, sexual abuse, emotional abuse, and neglect.
- Mental disorders are common in the United States. An estimated 26 percent of Americans aged 18 and older, about one in four adults, suffer from a diagnosable mental disorder in a given year. More than one-fourth of persons with severe mental illness are victims of violent crime in the course of a year, a rate 11 times higher than that of the general population. In light of these figures, police officers will inevitably come into contact with the mentally ill. Thus, officers should become familiar with the mental health resources located in their communities and how to contact them, if needed.
- Police officers should recognize that just because a person they are called to deal with exhibits bizarre or different behavior does not necessarily mean that they are criminals, they could be suffering from a serious mental illness. When dealing with mentally ill persons, effective communication can mean the difference between a potentially dangerous altercation and successful resolution of the incident.
- Abandoned vehicles are an eyesore and can give the impression that no one cares about the neighborhood. Abandoned vehicles should be addressed by the police not only as a quality of life issue for the neighborhood, but also as a potential criminal violation if the vehicle is left abandoned on a public street. If the police are called to investigate an abandoned vehicle on private property (e.g., a grocery store parking lot), a hold harmless agreement should be signed by the private property owner prior to the police impounding the vehicle.
- The congestion caused by a stalled vehicle can pose a potentially serious accident hazard. Police officers should diligently work toward removing a stalled ve-

hicle from the roadway as expeditiously as possible in order to minimize the potential risk of an accident or other traffic-related hazards.

- Citizens from time to time lose or misplace their property while in a public location. They often call the police to make a lost property report. It is important that the officer records accurate identifying information about the lost property. This includes a description of the property, identifying marks, serial number, model number, and any specific distinguishing marks or characteristics that would make the property readily identifiable.
- A stolen property report is handled much the same way as a lost property report. The only difference is that in a stolen property report, a crime has been committed and there may be evidence at the scene. It is important to glean an accurate and thorough description of stolen property. This greatly assists in the proper identification of the property in the event that it is recovered.
- Repeat calls for police services can result in an enormous strain on police resources. Some repeat calls are due to the police haphazardly handling them in the first place. Police officers should proactively address the problem of repeat calls to specific locations. Problem-solving techniques should be used to diagnose and resolve repeat calls. Using a problem-solving model, such as the SARA model, may be effective in identifying why the police respond to specific locations repeatedly, and may also assist in tailoring a resolution to the problem.

Classroom Discussion Questions and Activities

1. Describe the service role of the police.
2. List at least five police calls that are considered part of the service role of the police.
3. What is the AMBER Alert system?
4. Discuss the importance of effective communication skills in handling a dispute call.
5. Describe how officers can resolve a tense and threatening situation involving a person with a mental illness who is acting aggressive.
6. Discuss a few of the guidelines police should follow when investigating a prowler call.
7. Discuss innovative approaches of how the police are beginning to handle homeless populations.
8. Think about a location in your community that is the subject of repeat police calls. From your perspective, how have the police dealt with this location?
9. Discuss the importance of applying problem-solving methods in resolving the problem of repeat calls.
10. Interview a police officer and ask the officer how they dealt with a homeless person in the performance of their duties.
11. What is tactical communications?

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CHAPTER OUTLINE

- Introduction
- Traffic Unit Functions
- Directing Traffic
- Traffic Stops
- Roadblocks and Checkpoints
- Court Decisions
- Traffic Violations
- Traffic Accidents
- Summary

8 Police Traffic Functions

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Discuss the principle functions of police traffic operations.*
- *Analyze the hazards of pursuit and emergency vehicle operations.*
- *Discuss the tactical and legal issues involved in traffic stops.*
- *Analyze the discretionary functions involved in traffic control and traffic stops.*
- *Analyze the legal restrictions on traffic functions.*

▶ Introduction

traffic control An important function of traffic control is to reduce the number of accidents, injuries, and deaths from traffic incidents.

Most citizens' involvements with the police occur during the police's control and management of traffic. Most police departments have specialized traffic details or units. A glance at the annual death statistics indicate that more citizens die each year as the result of traffic accidents than from criminal non-traffic crimes. An important function of **traffic control** is to reduce the number of accidents, injuries, and deaths from traffic incidents. Traffic control functions also include the smooth transfer of traffic on our roads, streets, and highways. Another important function of traffic units is the uncovering of more serious crimes such as auto theft, outstanding warrants, and violations of control substance laws.

The police do not have the ability or manpower to enforce all traffic violations. Accordingly, traffic control officers must use discretion in their enforcement of traffic regulations.

Traffic units frequently use one of two general patterns of traffic enforcement, random enforcement, and selective enforcement. Random enforcement involves officers while on routine patrols acting on any violations observed. Selective enforcement involves the identification of significant problem areas and the assignment of officers to monitor and enforce traffic regulations in those areas.

Traffic units frequently use one of two general patterns of traffic enforcement; random enforcement and selective enforcement.

History of Police Traffic Control

One of the earliest recorded programs involving the control of traffic was in 1722 when the mayor of London appointed three men to ensure that traffic kept to the left and did not stop on London Bridge. They may have been the world's first traffic police (Lay, 1992). In some countries, traffic police or traffic cops are not sworn police officers. This appears to the case in the United Kingdom where they are assigned to the Highways England Traffic Officer Service and are an operational unit of the Highways Department.

Typical Mission of a Traffic Division

The typical mission of a police department's traffic division or unit is to create a safer community by enforcing traffic safety laws, educating our citizens and assisting in solving traffic-related problems. A key component of the mission is to reduce injuries and deaths, which occur because of traffic collisions. The officers are committed to accomplishing this by providing positive and proactive education in the field of traffic-related issues and by enforcing the traffic laws of the jurisdiction.

Jurisdiction

Most states have specialized units to enforce and regulate traffic on highways, that is, state highway patrols. In urban areas, generally traffic control is handled by the municipal police. In urban streets that have been designated as a state or federal highway, the state highway patrol also has jurisdiction. The municipal police in the larger cities will have specialized traffic control units. In urban areas, traffic control is a function of the county sheriff's department and/or the state highway patrols.

The jurisdiction that issues the ticket or fine collects the revenue. In certain areas, the traffic control units generate significant income for the jurisdiction because of traffic tickets and parking fines. Before the federal interstate highway system was developed, many

jurisdictions used "speed traps" to generate income. While there are still some areas that may perhaps take advantage of tourists with speed traps, this practice has been greatly reduced because of the interstate highway system.

Tracking Law Enforcement Officers' Deaths Involving Traffic Functions

As noted by the National Institute for Occupational Safety and Health (NIOSH), Law enforcement officers work in dynamic, high-risk traffic situations (National Institute of Justice, 2017). In fact, motor vehicle-related events are consistently a leading cause of on-the-job deaths for law enforcement officers in the United States. In the decade between 2006 and 2015, the FBI reports that more law enforcement officers died in the line of duty as the result of traffic accidents than from felonious assaults with firearms (FBI, 2017). Preventive steps that an officer may take during a traffic stop are discussed later in this chapter.

▶ Traffic Unit Functions

As a rule, many streets, highways, and roads in the United States were designed for less traffic than they presently handle, especially in the large east coast cities. In many areas the streets and roads are the same width as they were when people traveled mainly by wagons or walked. Accordingly, it is essential that traffic lanes are open, and that traffic is moving with maximum efficiency.

When there is traffic congestion, citizens suffer and frequently blame the police for not properly handling the congestion. Citizens suffer during traffic congestion because of the following reasons:

- Time of both motorists and passengers is wasted
- Delays may result in late arrival for employment and meetings, resulting in lost business, missed appointments, or other personal losses
- Inability to forecast travel time accurately, leading to drivers allocating more time to travel "just in case," and less time on productive activities
- Wasted fuel
- Increased air pollution and carbon dioxide emissions
- Wear and tear on vehicles because of idling in traffic and frequent acceleration and braking
- Stressed and frustrated motorists, which in turn results in road rage and reduced health of motorists
- Blocked traffic may interfere with the movement of emergency vehicles
- Higher chance of collisions due to tight spacing and constant stopping and going

It is essential that police officers, if possible, keep the traffic lanes open and vehicles moving. To ensure traffic movement, the officer must be on the lookout for stoppages caused by inconsiderate drivers or drivers who do not realize that they are causing problems. For example, cars that are double-parked, drivers who make illegal left turns, or other problems that may hinder the flow of traffic. Frequently these stoppages may be removed by instructing the driver to move on or by removing double-parked vehicles. If the stoppage is more than just temporary and cannot be solved by the traffic officer, the officer should notify his or her superior for additional directions or assistance. Photo 8-1 is a photo of an early traffic accident.

PHOTO 8-1 A 1920 traffic accident in Washington, DC.
Library of Congress Prints and Photographs Division (LC-USZ62-79359).

▶ Directing Traffic

Many police officers don't like the idea of standing out in the middle of an intersection directing traffic, especially in the pouring rain, a snow blizzard, or the scorching heat. But, as most police officers know all too well, it's one of those necessary evils.

Traffic control is an invaluable service that is provided by the police to the public. It is one of the most basic things that police do. Police officers spend maybe a day or less in the academy learning and practicing traffic control techniques. In some academies, recruits are taken to a busy intersection to practice the traffic control skills they just learned in the academy.

Police officers often encounter circumstances where manual traffic control is needed. This can be caused by any number of situations, such as a traffic collision, roadway construction, traffic signal malfunctions, or some type of natural disaster. For whatever reason, police officers need to know how to control traffic safely to reduce the likelihood of motorists becoming confused by unclear traffic directions and causing a collision.

Traffic Control Techniques

The officer assigned to direct traffic should maintain a professional attitude and demeanor while conducting traffic control duties. Any other type of attitude or demeanor is likely to create more confusion than already exists for the personnel or vehicles being controlled. The first step is to select the proper location at the scene where traffic control will be initiated to establish operations. Several factors must be considered in

selecting this location, including the design of the intersection, traffic patterns, lighting conditions, and the degree of traffic control required.

The position of the police officer should be selected with personal safety in mind. This position must be clearly visible to drivers and should not interfere with the flow of traffic. The most commonly selected point is the middle of the intersection; however, intersection design may dictate that another spot be chosen. Some types of intersections require the officer to be positioned on one side or the other of the center, as in "T" type intersections, a one-way street, or unusually narrow roads.

When directing traffic, police officers should stand with their face or back toward the stopped traffic and their side toward the traffic being directed to proceed. Manual traffic control signals used by police officers should be standardized for clear understanding, clearly visible, easily understood, and capable of transmitting information rapidly. Photo 8-2 depicts an early photo of a driver being stopped for excessive speed.

When engaged in the actual traffic control, the police officer should do the following:

- Give only necessary signals.
- Leave the intersection if traffic becomes light (or when officially relieved from the post).
- Turn the head to look toward the vehicle the officer intends to signal.
- Give only one signal at a time.
- Remain aware of traffic approaching from all directions.

PHOTO 8-2 A female driver who was stopped by a Washington, DC, police officer for driving 25 miles per hour in an 18-mile-per-hour zone in July 1922.
Library of Congress Prints and Photographs Division (LC-USZ62-83878)

- Point (with the hand) to pedestrians the officer intends to direct, using minimum movement of hands and arms.
- Repeat a signal several times to move sluggish traffic more rapidly.

There are six basic signals for manual traffic control: (1) stop, (2) go, (3) change direction, (4) right turn, (5) left turn, and (6) prohibited turn.

1. **Stop**
   - Extend the arm toward the vehicle(s) being signaled.
   - Raise the arm 45° above vertical.
   - Bend the elbow.
   - Hold the hand vertically with fingers together, extended, and with the palm facing traffic.
2. **Go—Move Along**
   - Use the hand nearest the stream of traffic being directed to go.
   - Holding the arm horizontal at shoulder height point with the index finger at the vehicle(s) being directed.
   - Bending the elbow, bring the hand back in an arc to the front of the chin to direct traffic to pass in front of the person directing traffic.
   - Using the same procedure, bring the hand back behind the ear to direct traffic to pass in back of the person directing traffic.
3. **Change of Direction**
   - Use the stop signal to stop each stream of moving traffic separately.
   - Turn 90°.
   - Keep both hands in the stop signal position.
   - Give the go signal to each stream of traffic separately.
4. **Right Turn**
   - Usually made without direction from the person controlling traffic.
   - Use the right arm for traffic approaching from the right.
   - Use the left arm for traffic approaching from the left.

PRACTICE HINTS

USING EQUIPMENT IN TRAFFIC CONTROL

Whistle

- One long blast signals traffic to stop.
- Two short blasts signal traffic to proceed.
- Several short blasts should be used to gain attention.
- The whistle should be used as needed and never to indicate frustration or anger.

Verbal Commands

- Do not shout.
- Use a loud tone.

Flashlight

- To stop traffic, swing the flashlight beam across the vehicle's path several times.
- Direct the beam downward at the pavement, being careful not to blind drivers.
- After a vehicle is stopped, use manual signals for further instructions.

- With the arm extended horizontally, point at the driver.
- Swing the arm straight to point to where the driver is to go.

5. **Left Turn**
   - Stop opposing traffic.
   - Use the right arm for traffic approaching from the right.
   - Use the left arm for traffic approaching from the left.
   - With the arm extended horizontally, point at the driver.
6. **Prohibited Turn**
   - Shake head no.
   - Use a whistle, if necessary, to get the driver's attention.
   - Signal the driver to make the appropriate legal turn.

▶ Traffic Stops

As noted earlier, in most cases the traffic stop is the only contact that citizens will have with a police officer. The main reasons police officers conduct traffic stops are to enforce the law and to encourage voluntary compliance with these laws. The goal is to reduce injuries and deaths on our roadways. During a traffic stop, the police officer must remain courteous and professional, while at the same time being alert for officer safety issues. Every traffic stop has the potential for danger. Many officers are killed each year and thousands more are injured in traffic-related incidents.

A police officer should never approach a traffic stop as a "routine traffic stop." There is no such thing as a routine traffic stop. Often during traffic stops police officers encounter uninsured drivers, suspended driver's licenses, persons who are under the influence of alcohol or drugs, drug traffickers, illegal firearms, and persons who are wanted fugitives.

Preparing for the Traffic Stop

When a police officer decides to stop a vehicle for a traffic violation, he or she should not rush the stop, but rather initiate the stop when and where the officer feels comfortable. Officer safety should be a primary consideration. The officer should obtain as much detail as possible before stopping the vehicle. There are many anecdotal accounts from police officers relating how they prefer to run the tag displayed on the vehicle they are planning to stop prior to stopping the vehicle. This practice allows the officer to discern if the tag belongs on the vehicle and if the tag or vehicle has been reported stolen.

The officer should assess how many occupants are in the vehicle, and, if possible, how they are acting. Do they appear to be looking nervously back at the officer? Are they reaching under the seat? Are they reaching across the seat? Are they moving around erratically? Are they throwing items out of the vehicle? These are important questions that should be answered, prior to initiating the stop. A police officer reported that as he was preparing to stop a vehicle for lane straddling one evening by following the vehicle and checking the tag, the driver and the passenger switched seats while the car was in full motion. Upon stopping and initiating an investigation it was discovered that the driver who had switched seats with the passenger was driving under the influence. It was discovered that the passenger who had switched seats and was, operating the vehicle when it was stopped was also over the legal alcohol limit, and he too was arrested for driving under the influence. It's not often that police officers make two arrests for driving under the influence from the same vehicle at the same time.

"There is no more misunderstood law enforcement duty than traffic enforcement."

—Scoville, 2006

Police in Action: TRAFFIC STOPS

Traffic enforcement may at times seem tedious and futile. Alert traffic stops, however, have helped end the careers of some of America's most prolific murderers (Scoville, 2006).

David Berkowitz—The New York "Son of Sam" killer who killed six people, was caught because he received a parking ticket near the location of one of his murders.

Ted Bundy—Who murdered more than two dozen young women, caught the attention of a Utah Highway Patrol Officer because he was driving with his lights off. After he escaped from Colorado, he was caught for driving in Pensacola, Florida, with stolen plates on his vehicle. The officer was alerted to his vehicle because of his driving tactics.

Joel Rifkin—A former gardener and prolific murderer, was caught in New York State because he was driving a vehicle without a license plate.

Randy Craft—Who was convicted of 16 murders, was stopped by California Highway Patrol officers for erratic driving and submitted to a field sobriety test. Later, the officers found a shrouded body in his car.

William Lester Suff—Who was convicted of murdering prostitutes in the Riverside, California area, was caught when he made an illegal U-turn.

Timothy McVeigh—The Oklahoma City federal building bomber, was collared by an Oklahoma highway patrol officer on Interstate I-35 for driving without a license plate.

Wayne Williams—Who was considered the murderer in the Atlanta Child Murders, was cited for stopping on a bridge. Later the body of one of the victims was discovered in the river below the bridge.

James E. Swann, Jr.—The Shotgun Stalker in the Washington, DC, area, was stopped for running a red light and the officer found a recently fired shotgun in the vehicle.

Larry Eyler—A conflicted homosexual who killed gay men, parked his pickup truck on a highway. An officer stopped to investigate and noticed him moving along a tree line with a potential victim who was tied up.

Location of Stop

The location of the stop is an important consideration for the officer. It cannot be overemphasized that the officer should stop the violator where he or she feels comfortable. If the stop will take place during the night shift, the officer may wish to follow the violator's vehicle to a well-lighted area before the stop is initiated. This can improve the officer's visibility of the occupant(s) of the vehicle. Likewise, if the officer feels suspicious about something he or she has observed, the officer may wish to follow the vehicle until a backup unit is close and then stop the violator.

The Stop and Making Contact

Once the officer feels comfortable, the stop should be initiated by activating the emergency lights on the patrol car. If the violator fails to stop, the officer should then activate a few blasts of the siren or air horn and this will usually get the violator's attention. The emergency overhead lights should always stay activated during the car stop to provide safety for the officer. If the officer has not done so already, he or she should notify the dispatcher of the location of the stop, the tag number, and the vehicle description. Vehicle stops should always be called in to the dispatcher. In some jurisdictions, SOPs not only require that police officers furnish this information to the dispatcher, but also the number of occupants of the vehicle. If for some reason the officer is not required to notify the dispatcher of the

stop, at the very least the officer should write the tag number and a vehicle description on the activity sheet or clipboard.

The patrol vehicle should be positioned behind the violator's vehicle about 10 to 15 feet and just slightly (a few feet) to the left. This will provide protection for the officer from traffic and allow the officer to have a full visual of the driver's side door. Turning the wheels of the patrol car sharply to the left can offer the police officer some protection from gunshot rounds to the lower leg extremities; and, if need be, the officer can take cover behind the upper portion of the vehicle. Turning the wheels sharply to the left also positions the engine block of the patrol car between the officer and the violator's vehicle. If the stop is made after nightfall, the patrol car's spotlight or alley lights can be used to illuminate the interior of the violator's vehicle.

Upon walking up to the vehicle to contact the violator, it is a good idea for the officer to pull up on the trunk of the violator's vehicle to ensure that it is secured and that no one is hiding in the trunk. As the officer continues walking to the driver's side window he or she should do a cursory peek into the backseat through the rear window while keeping an eye on the driver's actions. If the officer is stopping a van that does not have side rear windows, obviously it is impossible to view inside the rear of the van. In this case, the officer should listen for any unusual movement noises coming from inside the van.

The officer should be alert for the driver or passenger who reaches under the seat during the officer's approach. It could be that they are attempting to stash something under the seat, or worse yet, grab a weapon from under the seat. If the officer observes a sudden movement such as this, he or she must become more suspicious, call for a backup unit, and investigate further.

The officer should stand just to the rear of the driver's window to the point where the driver has to physically turn his or her head back to see the officer. This puts the officer in the best position to take action if need be. The officer should never stand in front of the driver's door. If the driver desires to harm the officer, then all she or he has to do is open the door in an aggressive manner and knock the officer to the ground. Once the approach is made, the officer should request to see the violator's driver's license and registration. After the violator has produced the driver's license and registration, the officer should inform the violator what he or she is being stopped for. By asking for the driver's license and registration first, the officer avoids a situation in which the violator wants to argue with the officer about the purpose of the stop. In some cases, the officer may also request to see current proof of insurance. While talking with the driver, the officer should look for any contraband that may be in plain view inside of the vehicle. As many police officers will tell you, they are never surprised to find drugs or weapons in plain view.

Once the initial contact is made, the officer may wish to write the traffic ticket or warning while standing at the driver's door. Some officers prefer to go back to their patrol vehicle and write the ticket. If the officer does return to the patrol vehicle, while walking back to the patrol unit he or she should carefully keep an eye on the driver and occupant(s). It is not advisable that the officer sit in the patrol unit while writing the ticket. The best position is standing outside of the unit, preferably to the rear of the patrol unit on the passenger side. The driver and occupant(s) of the violator's vehicle should remain seated in their vehicle always. If the driver or occupant begins to exit their vehicle, the officer should explain to the driver or occupant that for their own safety they should remain in the vehicle. While writing the ticket, the officer should keep a watchful eye on what is going on in the violator's vehicle.

The officer should return to issue the traffic ticket taking the same route as when initiating the stop. When re-contacting the violator, the officer should explain the ticket thoroughly to the driver. Always avoid lecturing the driver when issuing the citation. Oftentimes a lecture by the officer may aggravate the driver and lead to an argument. Arguing with a traffic violator is not the officer's job. Neither is debating the traffic ticket with the violator.

The officer should advise violators who want to argue about the citation that they have the right to appear in court and contest the ticket if they feel it was unjustly issued.

Once the contact has concluded, the officer should thank the violator for his or her cooperation. The officer should never say things such as "have a nice day" to a violator. This is inappropriate and may make the violator angry. The officer should end the contact with: "please slow down and drive carefully." The officer should remain at the scene of the stop with emergency lights activated until the violator has had a chance to pull safely back into the flow of traffic.

Passengers

If the justification for the traffic stop is a suspected moving violation committed by the driver, passengers in the vehicle cannot be held responsible for the driver's misconduct and may be free to leave. The officer may hold the passenger(s), if there are reasonable grounds for suspicion during the stop. In determining the ability of the officer to investigate or question passengers, the courts will generally look at the justification for the stop. If the justification for the stop is based on driver misconduct, then the courts will try to determine if any reasonable suspicion developed during the stop that may be used to detain and or search passengers in the vehicle.

Officer Safety in Traffic Stops

As noted earlier in the chapter, a large number of routine traffic stops turn deadly. The website "Blue Sheepdog" notes that traffic stops are the bread and butter of police work. The site also notes that a routine traffic stop can go bad in a heartbeat. The site also provides some interesting recommendations to enhance officer safety when making a traffic stop (Blue Sheepdog website, 2018). A brief summary of the site's recommendations include the following:

- If possible approach the stopped vehicle from the passenger side. The driver is more likely expecting you to approach from the driver side. When approaching from the passenger's side of the car you should be out of range of oncoming traffic and thus less likely to be hit by a passing vehicle. In addition, you get a better view of what and who is in the vehicle.
- If the person stopped tries to approach you, get out of the driver's seat. This according to the blog is the worst place to be if the stopped person decides to attach you. If you need to stay in the car to run a license check, move to the passenger side. If it is not possible to move to the passenger side because of the in-vehicle computer or other equipment, get out of the car at the first sign of trouble. If possible access your computer from the passenger side or stand behind your unit.
- Use all your patrol car's lighting to create a "wall of light" between you and the person stopped.
- In deciding when to stop a vehicle, if possible, pick a location where it is safe to make the stop; for example, a location with lighting and out of the main flow of traffic.
- Call in your traffic stop, if possible, before you initiate the stop and ensure that the dispatcher has the vehicle tags, description, occupant information, and the location of the stop.
- If possible, before the stop, have an evacuation route plan in case the stop goes bad.
- Never search a vehicle alone. If necessary, call for backup and wait until backup arrives before conducting a search.
- Maintain an environmental awareness. Be wary of any other vehicles stopping or persons walking by.

▶ Roadblocks and Checkpoints

For the most part, roadblocks and checkpoints are set up and controlled by the traffic division of the law enforcement department. Public roadblocks by law enforcement have been deemed constitutional by the U.S. Supreme Court. The Court has upheld roadblocks and checkpoints for general law enforcement purposes if they have specific permissible objectives.

Types of Checkpoints

As noted on Flex Your Rights website there are four general types of checkpoints (Flex Your Rights website, 2018). They are the following:

- DWI checkpoints: At these checkpoints, the police may stop the vehicle and ask questions but cannot search without probable cause.
- Border checkpoints: Officers are permitted to search vehicles crossing into the United States without probable cause. The officers are also allowed to search property, if they have reasonable suspicion to believe that the individual is concealing contraband. There is a question as to whether border agents must have reasonable suspicion before they can search an individual's laptop or cell phone. Apparently, the officer can ask the individual to turn on a laptop or cell phone merely to ensuring that it is functioning and not being used to hide something else.
- Checkpoints near the border: Several court decisions have held that the individual is not required to answer questions such as, "Are you a U.S. Citizen?"
- Drug checkpoints: The U.S. Supreme Court has ruled that random checkpoints for finding illegal drugs are unconstitutional.
- Transportation Security Agency (TSA) checkpoints: Anytime you pass through a TSA airport checkpoint, the TSA is allowed to search you and your baggage without probable cause or reasonable suspicion.

▶ Court Decisions

United States v. Martinez-Fuerte, 428 U.S. 543 (1976)

The Supreme Court held that a routine stop limited to no more than brief questioning at a non-border permanent checkpoint, comported with the Fourth Amendment without requiring individualized suspicion. The Court recognized that reasonable suspicion was not a practical standard to employ on major inland routes that smugglers are known to use, because the heavy traffic would not allow for a particularized study of a given car to identify illegal aliens and would not deter the flow of well-disguised smuggling operations. The Court concluded that the government's interest in stopping the smuggling of illegal aliens was great, the intrusion was very limited, and interference with legitimate traffic was minimal.

Almeida-Sanchez v. United States, 412 U.S. 266 (1973)

The U.S. Supreme Court disapproved a warrantless search of a Mexican citizen 25 air miles north of the Mexican border. The search was made without probable cause or consent. As a result of the search, officers found marijuana in the vehicle. The marijuana was used to convict the defendant in federal court. The Court reversed and held that the search was not a border search or the functional equivalent thereof because the officers had no

reason to believe that the defendant had crossed the border and that the warrantless search violated the Fourth Amendment.

United States v. Ortiz, 387 U.S. 523 (1967)

The Supreme Court held that the Fourth Amendment did not allow Border Patrol officers, in the absence of consent or probable cause, to search private vehicles at traffic checkpoints on Interstate 5 in San Clemente, California, which was 66 miles from the Mexican border and the officers had no reason to suspect that the vehicle contained illegal aliens. The Court noted that for this purpose there was no difference between a checkpoint and a roving patrol.

Michigan v. Sitz, 496 U.S. 444 (1990)

The U.S. Supreme Court held a sobriety checkpoint set up by the police in Michigan. The Court noted that a suspicionless administrative search consisting of stopping people at random, without individualized suspicion or probable cause can be considered constitutional as long as, on balance, the government interest and the effectiveness of the program outweigh the degree of intrusion into privacy. The stops were done to keep the roads safe, not to uncover criminal behavior. One of the important factors in an administrative search is that it must be standardized and apply to everyone equally. Compare this case to *Delaware v. Prouse*, 440 U.S. 648 (1979), in which the police were stopping people at a checkpoint, but at the whim of the policeman; whereas in the *Michigan v. Sitz* case, the police were using an algorithm to pull people over.

Ingersoll v. Palmer, 743 P.2d. 1299 (1987)

In this case, the California Supreme Court recommended guidelines that should be used in establishing sobriety checkpoints (as summarized by Roberson & Wallace, 2016, 101–102). The guidelines are as follows:

- The checkpoint must meet the reasonableness standard under the Fourth Amendment.
- There must be a neutral application of the screening process.
- There must be limits of the discretion of field officers.
- The checkpoint must be located at a reasonable location.
- Law enforcement officials will be expected to exercise good judgment in setting times and durations, with an eye to effectiveness of the operation, and with the safety of motorists a coordinate consideration.
- Advance publicity is important to the maintenance of a constitutionally permissible sobriety checkpoint. Publicity both reduces the intrusiveness of the stop and increases the deterrent effect of the roadblock.

Illinois v. Lidster, 540 U.S. 419 (2004)

Justice Breyer noted that a highway checkpoint stop that was designed to obtain more information about a recent hit-and-run accident was constitutional because the relevant public concern was grave, the stop advanced the concern, and the stop interfered only minimally with liberty. The Court held that the law ordinarily permits police to seek the voluntary cooperation of members of the public in the investigation of a crime. Law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, or by putting questions to him if the person is willing to listen. That, in

part, is because voluntary requests play a vital role in police investigatory work. The Court held that special law enforcement concerns will sometimes justify highway stops without individualized suspicion (Roberson & Wallace, 2016,:102).

Brown v. Texas, 443 U.S. 47 (1979)

The Supreme Court determined that the defendant's arrest in El Paso County, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment.

United States v. Brignoni-Ponce, 422 U.S. 873 (1975)

The Supreme Court determined it was a violation of the Fourth Amendment for a roving patrol car to stop a vehicle solely based on the driver appearing to be of Mexican descent.

United States v. Huguenin and Martin, 154 F.3d 547 (2000)

Two cases were joined to answer the same issue: The defendants had challenged the constitutionality of police procedures used to stop motorists exiting off a Tennessee highway upon warning that motorists are approaching a narcotics/DUI checkpoint. The U.S. Court of Appeals for the Sixth Circuit concluded that the procedures used by law enforcement officers were unconstitutional. The appellate court noted that the chief (but not sole) purpose of the roadblocks in this case was to intercept drugs was undisputed. That the state had the authority to conduct roadblocks to check drivers' license and vehicle registration was also undisputed. The appellate court concluded that where the state has one lawful purpose sufficient to justify a roadblock, the use of the roadblock by the state to intercept illegal drugs does not render the roadblock unconstitutional. In other words, the appellate court adopted a totally objective rule: a state may conduct a mixed-motive roadblock as long as one purpose presented for the roadblock could validly justify the roadblock, even if no roadblock would have been put in place but for the state's desire to hunt for unlawful drugs.

The appellate court noted that the checkpoint operated on approximately 64 different days and approximately 2,342 cars were stopped. There were only seven arrests for DUI to further the purported goal of detecting intoxicated drivers. During the same period, however, 128 arrests were made for drug-related offenses. For these reasons, the court concluded that the checkpoint was not operated for the ostensible purpose of detecting intoxicated drivers, but as a pretext to stop drivers who had violated no traffic laws in order to question them in an attempt to gain reasonable suspicion to search their cars for narcotics.

Only those people who safely and legally exited the Interstate before the announced checkpoint were stopped. The exit ramp is in a secluded area where few people exit, and there was no notice to the motorist about what was taking place at the exit. Furthermore, there was no procedure for how the vehicle was to be approached. In defendants' case, Officer Brock "just happened to be there when they came up" and stepped in front of their car. Thus, the procedure did not treat motorists on a non-random basis, but singled out motorists, who, for whatever reason, chose to take the Airport Road exit.

Galberth v. United States, 590 A.2d 990 (1991)

The U.S. Court of Appeals for the District of Columbia held that it is clear that the police may not use a roadblock in order to seek evidence of drug-related crimes.

Bobby Joe Mullinax v. State of Arkansas, 571 S.W.2d (1997)

The Supreme Court of Arkansas noted that Fourth Amendment seizure occurs when a vehicle is stopped at a roadblock or checkpoint; the question under *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990). Whether such seizures are reasonable under the Fourth Amendment; the permissibility of vehicle stops made on less-than-reasonable suspicion of criminal activity is to be judged according to a three-pronged balancing test; consideration of the constitutionality of such seizures involves a weighing of the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty. In this case, the defendant was convicted of driving under the influence. After the officer stopped the defendant at the roadblock, the officer noticed that the defendant appeared to be under the influence and there was the smell of alcohol in the car. The state supreme court held that the facts discovered by the officer after the stop provided probable cause to search the vehicle.

The officers at the roadblock were instructed to stop every fifth vehicle. The officer testified that he noticed the odor of intoxicants coming from the appellant's vehicle and on the appellant's breath when he stopped at the roadblock. He further testified that he saw a plastic cup in the console of the vehicle containing some ice and liquid. He stated that the appellant's vehicle was not one of the fifth vehicles but that the appellant was detained for a further check because it appeared that he had been drinking.

The state court noted that considering the totality of the circumstances, Appellant has not demonstrated that the officers conducting the roadblock in this case committed any prohibited acts such as profiling cars or stopping them at random. Appellant's expectation of privacy was not invaded solely at the unfettered discretion of the field officers; rather, the officers acted pursuant to a plan for a fixed checkpoint that was approved by their shift commander. Appellant has therefore failed to demonstrate any violation of the Fourth Amendment to the United States Constitution or Article 2, Section 15, of the Arkansas Constitution or any prejudice. The judgment of conviction was affirmed.

Collision

In *Scott v. Harris*, 550 U.S. 372 (2007), the U.S. Supreme Court considered whether a law enforcement official can, consistent with the Fourth Amendment, attempt to stop a fleeing motorist from continuing his public-endangering flight by ramming the motorist's car from behind. Can an officer take actions that place a fleeing motorist at risk of serious injury or death to stop the motorist's flight from endangering the lives of innocent bystanders?

In March 2001, a Georgia county deputy clocked respondent's vehicle traveling at 73 miles per hour on a road with a 55-mile-per-hour speed limit. The deputy activated his blue flashing lights indicating that respondent should pull over. Instead, respondent sped away, initiating a chase down what is in most portions a two-lane road, at speeds exceeding 85 miles per hour. The deputy radioed his dispatch to report that he was pursuing a fleeing vehicle and broadcast its license plate number.

Deputy Timothy Scott, heard the radio communication and joined the pursuit along with other officers. During the chase, respondent pulled into the parking lot of a shopping center and was nearly boxed in by the various police vehicles. Respondent evaded the trap by making a sharp turn, colliding with Scott's police car, exiting the parking lot, and speeding off once again down a two-lane highway. Following respondent's shopping center maneuvering, which resulted in slight damage to Scott's police car, Scott took over as the lead

pursuit vehicle. Six minutes and nearly 10 miles after the chase had begun, Scott decided to attempt to terminate the episode by employing a "Precision Intervention Technique ('PIT') maneuver, which causes the fleeing vehicle to spin to a stop." Having radioed his supervisor for permission, Scott was told to "go ahead and take him out." Instead, Scott applied his push bumper to the rear of respondent's vehicle. As a result, respondent lost control of his vehicle, which left the roadway, ran down an embankment, overturned, and crashed. Respondent was badly injured and was rendered a quadriplegic. Respondent filed suit against Deputy Scott and others under Rev. Stat. §1979, 42 U. S. C. §1983, alleging, inter alia, a violation of his federal constitutional rights, viz use of excessive force resulting in an unreasonable seizure under the Fourth Amendment. In response, Scott filed a motion for summary judgment based on an assertion of qualified immunity. The district court denied the motion, finding that "there are material issues of fact on which the issue of qualified immunity turns which present sufficient disagreement to require submission to a jury."

Scott said he decided not to employ the PIT maneuver because he was "concerned that the vehicles were moving too quickly to safely execute the maneuver." Respondent agrees that the PIT maneuver could not have been safely employed.

Judging the matter on that basis, the Court concluded that it is quite clear that Deputy Scott did not violate the Fourth Amendment. Scott did not contest that his decision to terminate the car chase by ramming his bumper into respondent's vehicle constituted a "seizure."

A Fourth Amendment seizure occurs when there is a governmental termination of freedom of movement through means intentionally applied. If the police cruiser had pulled alongside the fleeing car and sideswiped it, producing the crash, then the termination of the suspect's freedom of movement would have been a seizure. It is also conceded, by both sides, that a claim of "excessive force in the course of making a seizure of the person is properly analyzed under the Fourth Amendment's "objective reasonableness standard." The Court stated that the question it needed to answer was whether Scott's actions were objectively reasonable.

In determining the reasonableness of the manner in which a seizure is affected, the Court stated that it must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.

Thus, in judging whether Scott's actions were reasonable, the Court stated that it must consider the risk of bodily harm that Scott's actions posed to respondent in light of the threat. First of all, there would have been no way to convey convincingly to respondent that the chase was off, and that he was free to go. Had respondent looked in his rearview mirror and seen the police cars deactivate their flashing lights and turn around, he would have had no idea whether they were truly letting him get away, or simply devising a new strategy for capture. Perhaps the police knew a shortcut he didn't know and would reappear down the road to intercept him; or perhaps they were setting up a roadblock in his path. Given such uncertainty, respondent might have been just as likely to respond by continuing to drive recklessly as by slowing down and wiping his brow. Second, the Court was loath to lay down a rule requiring the possible liability for all ensuing actions during the chase.

Culpability is relevant, however, to the reasonableness of the seizure—to whether preventing possible harm to the innocent justifies exposing to possible harm the person threatening them. The Court stated that it did not assume that dangers caused by flight from a police pursuit would continue after the pursuit ends, nor did it make any factual assumptions with respect to what would have happened if the police had gone home. The Court pointed out the uncertainties regarding what would have happened, in response to respondent's factual assumption that the high-speed flight would have ended.

The Court noted that the police are not required to allow fleeing suspects to get away whenever they drive so recklessly that they put other people's lives in danger. It is obvious the perverse incentives such a rule would create: Every fleeing motorist would know that escape is within his grasp, if only he accelerates to 90 miles per hour, crosses the double-yellow line a few times, and runs a few red lights. The Constitution assuredly does not impose this invitation to impunity earned by recklessness. Instead, the Court devised a more sensible rule: A police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death. The car chase that respondent initiated in this case posed a substantial and immediate risk of serious physical injury to others. The Court of Appeals' decision to the contrary was reversed.

▶ Traffic Violations

According to the website USLegal.com, the first traffic ticket in the United States was given to a New York City cab driver on May 20, 1899, for going at the breakneck speed of 12 miles per hour (USLegal website, 2018). Photo 8-3 shows a police officer stopping a speeding vehicle in 1925.

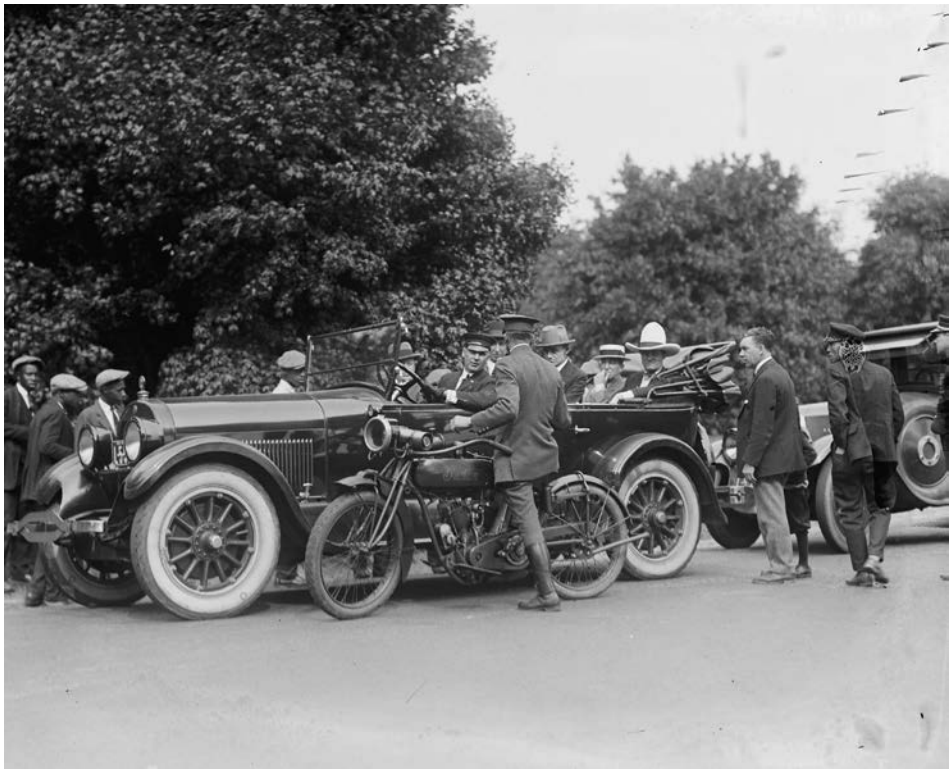

PHOTO 8-3 1920s Hollywood movie star Tom Mix being arrested for speeding on May 25, 1925. Mix is the one with the white cowboy hat.
Note: He is sitting in the back seat and is not driving.
Library of Congress Prints and Photographs Division (LC-DIG-npcc-13633)

Most traffic tickets are issued for violation of local traffic laws. Traffic laws may be classified as moving or non-moving violations. They are also classified as major or serious violations and minor violations. The effect of receiving a traffic violation conviction varies by jurisdiction. In most states, the conviction will result in points and an accumulation of a certain number of points may result in the suspension of the violator's driving license. Traffic violation convictions also may result in higher vehicle insurance premiums.

▶ Traffic Accidents

More people are killed or injured in traffic-related accidents than any other type of accident. The annual economic cost of traffic accidents is astronomical. An important part of the police function is ensuring the safe movement of traffic. Invariably, police officers will be called to investigate traffic accidents. Some traffic accidents can be prevented, while many others cannot. While traffic accidents will inevitably occur, police officers on patrol should be cognizant of accidents that seem to happen again and again at the same location. Recurring accidents at one location may indicate a problem that if solved will reduce or even resolve the number of accidents at the location. Education, enforcement, and engineering should be used in order to resolve or reduce recurring traffic accidents.

Some roadways are notorious for being accident prone. The specific reasons may be subtle and not immediately obvious. To discover the cause of accidents that seem to occur often at a certain location involves engineering factors such as alignment, visibility, camber and surface conditions, and road markings. Locations that are accident prone should be carefully inspected for these causative factors. The location should be inspected for a missing or obstructed stop sign, a malfunctioning traffic signal, or other factors that may perpetuate the incidence of traffic accidents. Police officers should review the data on accidents that occur repeatedly at a specific location, as this may reveal the obvious causative factors.

Factors that should be noted may include specific patterns, such as a day or time that accidents seem to be most prevalent. In industrial areas it may be that the traffic patterns are inconsistent with other times of the day, which may be contributing to accidents. Accidents may tend to occur during shift change at a large manufacturing plant as workers try to rush out of the parking lot. If this is determined to be a causative factor, the officer should work with management to stagger shift change times a few minutes in order to avoid a large volume of traffic leaving the plant at the same time. If traffic accidents are occurring after dark in a specific area, perhaps it may be a lighting problem in the area. If after reviewing available data it is determined that traffic violations are the contributing factors, then tailored enforcement should be initiated at the location. Officers should also pay attention to hazard visibility factors, including intersections, merging lanes, bends, crests, school zones, and pedestrian crossings. Temporary hazards may include road construction, parked or disabled vehicles, accidents, traffic jams, and wild animals (especially deer).

Traffic laws and ordinances are often haphazardly enforced. Police officers may enforce traffic laws with little justification of why they are concentrating on a specific location. Delattre and Cornelius (2003, 601) make this point when they ask, "Where should the police set up speed checkpoints? In locations most convenient to the police—locations where police can most easily catch the largest number of speeders and write the most tickets? Or in locations where there have been accidents or complaints from the public and where speeding is clearly hazardous? If police operate from

the premise that the purpose of traffic laws is to foster safety and efficiency in travel, in other words, if the purpose of traffic laws is to serve the public interest, the answer becomes clear."

Police officers should rely on both word of mouth from citizens and official accident data when making enforcement decisions. If an area has a high incidence of traffic accidents in which speed is a contributing factor, then specific enforcement activities should be tailored to that area. Likewise, a conspicuous police presence may be required at an accident-prone location for a short period of time.

The educational component is also important in the prevention of accidents. Police officers managing their beats should make it a point to educate the citizens on traffic-causing behaviors. If there is a location that has demonstrated a high incidence of traffic accidents, the officer should approach community groups, such as neighborhood watch associations or home owners' associations, communicate information regarding the increase in traffic accidents, and inform them of preventive techniques. Some officers have gone to the extent of preparing a brochure for dissemination in the community. The purpose of the brochure is to inform the citizens of increases in traffic accidents at a particular area and to suggest prevention techniques.

In those cases where it is determined that repeated accidents are the result of driver behavior, behavioral control factors are recommended. Behavioral control factors may include built-in obstacles that limit the ability of a vehicle to travel at high speeds or in a certain direction and may include crash barrels, speed bumps, pedestrian islands, raised medians, high curbing, guard rails, and concrete barriers.

DWI/DUI

Driving while intoxicated (DWI) or driving under the influence (DUI) also referred to as drunk driving offenses have increased punishments substantially in the last thirty years as the result of the political activities of groups like MADD (Mothers against drunk drivers). As of 2018, at least 15 states prohibited plea-bargaining in alcohol-/drug-related offenses. Most states have separate DUI/DWI penalties if there is a minor child in the vehicle when the offense was committed. Photo 8-4 depicts a traffic stop where other criminal activity was present.

In most states there are generally two or three ways in which a person may be found guilty under the DWI/DUI laws. For example, California Vehicle Code 23152 has listed three ways in which a person may commit the offense. They are as follows:

- Driving under the influence
- Driving with a blood alcohol content (BAC) of 0.08 or higher
- Driving by a person who is addicted to the use of any drug, unless the person is on an approved methadone maintenance treatment program.

The driving under the influence offense may be committed even if the individual's BAC is less that the 0.08 requirement. The key fact in this offense is that the person's ability to drive has been affected by his or her being under the influence of alcohol or drugs.

The laws on DWI/DUI generally establish that once an individual is shown to have a BAC at or above 0.08 percent, that person will be considered intoxicated by law. In such circumstances, no further evidence of intoxication or impairment needs be demonstrated for purposes of a DUI case. These days, all states have per se DUI laws that find any driver with a BAC at or above .08 percent to be intoxicated. While some individuals with a BAC higher than the 0.08 standard may not be under the influence, the individuals are still in violation of the DWI/DUE statutes. Not all jurisdictions include the third type of offense set forth in the California Vehicle Code (driving while addicted) and some include the offense of driving by an addicted person under other statutes.

PHOTO 8-4 Frequently, traffic stops discover the commission of other crimes. In this picture, a police officer is standing alongside a wrecked car and cases of moonshine on November 16, 1922.
Library of Congress Prints and Photographs Division (LC-USZ62-96757).

A person may in most jurisdictions be convicted of the DWI offense if they are driving after taking a duly prescribed medicine if the medicine affects their driving ability. In a few jurisdictions, the person may raise the defense that he or she did not realize that the drug would affect the individual's driving ability. As a rule, the duty is on the driver to make sure that any medications being taken does not impair the driver's driving skills.

In most jurisdictions, the driver is a person who drives or is in actual physical control of the vehicle. A person behind the wheel of a vehicle who is steering the vehicle is considered as the driver even if the vehicle is being towed or pushed by another vehicle. The identity of the driver may be established by circumstantial evidence (*People v. Padilla*, 184 Cal. App. 3d 1022 (1984)).

Generally, driving is defined for the DWI statutes as any movement of the vehicle. The movement may be slight. The movement may include coasting downhill or pedaling a moped if the vehicle can move under its own power.

Vehicles are generally defined very broadly and includes any vehicle that may be moved upon a public highway. This includes tractors, forklifts, go-carts, and snowmobiles. In most jurisdictions vehicles that are propelled solely by human power such as bicycles are excluded.

Aggravated DWI/DUI Offenses

Generally, if there is an accident and a person is injured or killed, the offense is considered as aggravated. In many jurisdictions if a person under the age of 18 years is a passenger in a vehicle being driven in violation of the DWI/DUI statutes, the offense is also considered as aggravated. All jurisdictions provide for increased punishment for second and subsequent offenses by a driver.

Summary

- Most citizens' involvements with the police occur during the police's control and management of traffic.
- Most police departments have specialized traffic details or units.
- The police do not have the ability or manpower to enforce all traffic violations. Accordingly, traffic control officers must use discretion in their enforcement of traffic regulations.
- Supervisors must be careful that the discretion of the officers is not used to enforce discriminatory practices.
- Traffic units frequently use one of two general patterns of traffic enforcement—random enforcement and selective enforcement.
- Most states have specialized units to enforce and regulate traffic on highways, that is, state highway patrols.
- In urban areas, generally, traffic control is handled by the municipal police. In urban streets that have been designated as a state or federal highway, the state highway patrol also has jurisdiction.
- The municipal police in the larger cities will have specialized traffic control units. In urban areas, traffic control is a function of the county sheriff's department and/or the state highway patrols.
- Every traffic stop has the potential for danger. Many officers are killed each year and thousands more are injured in traffic-related incidence.
- A police officer should never approach a traffic stop as a "routine traffic stop."
- For the most part, roadblocks and checkpoints are set up and controlled by the traffic division of the law enforcement department.
- Public roadblocks by law enforcement have been deemed constitutional by the U.S. Supreme Court.
- The Court has upheld roadblocks and checkpoints for general law enforcement purposes, if they have specific permissible objectives

Classroom Discussion Questions and Activities

1. Why is traffic control an important function in law enforcement?
2. What should an officer do immediately before making a traffic stop?
3. What are the rules recommended in setting up a sobriety checkpoint?
4. Why are traffic stops dangerous?
5. What are the three types of DWI offenses in most jurisdictions?
6. In your home jurisdiction, what constitutes the operation of a motor vehicle?

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9 Ethics and Police Misconduct

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Explain what constitutes ethical behavior.*
- *Understand the different types of police misconduct.*
- *Discuss ethical issues involved in lying and deception.*
- *Explain why law enforcement agencies have codes of conduct.*
- *Explain how ethics acts as a restriction on human behavior.*
- *List the sources of ethical problems.*

CHAPTER OUTLINE

- Introduction
- What Is Ethics?
- What Constitutes Ethical Behavior?
- Ethics as a Restriction on Behavior
- Kantian Ethics
- Moral Development
- Values
- Law Enforcement Values
- Lying and Deception
- Off-Duty Employment
- Internal Affairs Unit
- Police Use of Body Cameras
- Summary

▶ Introduction

In this chapter, the ethical concerns usually encountered by police during daily operation, police misconduct and the use of body cameras by police officers are examined. Students often use the term "dead Greeks" when studying ethics. This refers to the fact that the theoretical concepts of ethics are based largely on the writings of Plato and Socrates (dead Greeks); for example, many theoretical ethical discussions are based on Socrates' famous credo that "a life unexamined is not worth living" (Souryall, 2003, 4).

The goal of this chapter is to introduce the readers to the issues involving ethics and to provide a basic framework to help the reader understand ethical issues and choose courses of action based on those principles. Except for a brief discussion of what constitutes ethics, Socrates' credo is not the focus of this chapter. Instead, we will examine such questions as whether it is wrong for an officer to take a free cup of coffee or embellish the facts needed to support the stop of a vehicle carrying illegal drugs.

According to Sherman (1974) police misconduct is considered as an impropriety of office. It is wrongdoing, the appearance of wrongdoing, or puzzling behavior that violates standards usually set down in departmental policies and procedures, for good reasons, that the employee may or may not be cognizant of. Misconduct is bad because it leaves the public free to speculate and draw sweeping generalizations about the profession of policing as a whole. The different types of misconduct are often classified as malfeasance, misfeasance, and nonfeasance, and will be defined later in the chapter.

More police careers are destroyed because of ethical issues than any other reason. As noted by many researchers, including Neil Trautman, founder of the International Association of Ethics Trainers, "Ethics training is the greatest need in law enforcement." As noted by Samuel Johnson in 1750, "Men more frequently require to be reminded than informed."

An excellent resource of information on ethics for police officers is the International Association of Ethics Trainers. The association was founded in 1991 to assist those interested in promoting high ethical standards. It provides information and resources to educators, trainers, administrators, and leaders primarily in, but not limited to, law enforcement. A quick search on the Internet will find their website.

▶ What Is Ethics?

ethics A philosophy that examines the principles of right and wrong, good and bad. Ethics has also been defined as standards of fair and honest conduct.

Ethics examines issues involving right and wrong, good and bad, virtue and vice. Ethics has also been defined as standards of fair and honest conduct. To many, the word *ethics* suggests a set of standards by which a group or community decides to regulate its behavior to distinguish what is legitimate or acceptable in pursuit of their aims from what is not (for example, the most professional associations have ethical standards for their members. (Roberson, 2017, 1–2).

The terms *morality* and *ethics* are frequently used interchangeably. According to Muraskin and Muraskin, ethics is a philosophy that examines the principles of right and wrong, good and bad. Morality, on the other hand, is a practice of these principles on a regular basis, culminating in a moral life. Accordingly, morality is conduct that is related to integrity. Under this definition, a person may be viewed as ethical by virtue of knowing the principles of right and wrong, but only those who internalize the principles and faith and fully apply them in their relationships with others should be considered moral (Muraskin & Muraskin, 2001). Based on the foregoing, consider the following questions: Can a law enforcement officer be ethical and immoral? Can a law enforcement officer be moral without understanding the ethical issues involved? In this latter situation, would the officer be considered unethical and moral?

REQUIREMENT TO TAKE A VIRGINITY TEST TO BE A POLICE OFFICER?

A female police officer, (currently a police commissioner) in Jakarta, reported that when she joined the police department in Jakarta, she was required to take a virginity test. The officer noted that the test was uncomfortable and humiliating and that male applicants were not required to take the text. The apparent rationale behind requiring women to take the test was to ensure that the applicant was not a prostitute. Presently female candidates are required to take a "pregnancy test." [No author listed (2016, May 21), "Virginity testing in Indonesia: Taking the cop out of copulation," *The Economist*, pp. 34–35.]

In 2014, according to the article, only 3 percent of the police officers in Jakarta are women. How ethical is it to require female applicants to take humiliating tests to be considered for a position on a police force?

Although many writers, like Muraskin and Muraskin, make a distinction between ethics and morality, the two terms are used interchangeably in common practice and are treated as equivalent in this chapter.

There are two basic questions involving ethics: What should I do? How should I be? Under this approach, ethics involves the evaluation of actions and lives, choices, and characters. This orientation is a rational argument toward the production of reasons to support one's choices of action (Ryan, 2001, 7–8). The use of the rational argument approach indicates that individuals should develop their own moral reasons to guide their conduct rather than merely parroting the views of others; for example, why is stealing unethical or immoral? The rational argument approach would use rational arguments to support answers to this question. To state that stealing is unethical because it is a violation of the law would be to parrot the views of the lawmakers (Muraskin & Muraskin, 2001).

The problems of ethics are problems about human conduct at the individual level. Not unlike other members of our society, law enforcement officers have obligations that need to be considered in formulating choices of action. Some of these obligations are placed on the officer by being a member of society. Some are placed on the officer based on ethical decisions that the officer has made. In addition, many obligations are placed on the officer by accepting the position of law enforcement officer. When a person enters into a marriage arrangement, the person promises to perform certain obligations. The law enforcement officer promises to support and enforce the laws of the government when the officer accepts the position. These obligations place additional restrictions on our choices of ethical courses of action.

What are the consequences of our actions that should be considered in determining the ethical course of action? A central feature of ethics is that it should make us consider the results of our chosen course of action and the effects of that action on others. Accordingly, the welfare of others is critical in our ethical evaluations. The decision of law enforcement officers as to whether to fire their weapon at an escaping criminal should also consider whether innocent bystanders will be harmed by the discharge of the weapon. If it is likely that the weapon will hurt some innocent person, would it be ethical to ignore that risk and fire into the crowd?

Too often the problems that law enforcement personnel get involved in are not recognized as ethical issues until it is too late to consider the appropriate course of action. A streetwise police officer once remarked that the overriding ethical framework that a police officer should use is to ask the rhetorical question: "Would I be ashamed to explain my actions to my grandmother?"

Anatole France, in *Le Lys Rouge* (*The Red Lily*), stated that "in law, in its majestic equality forbids both the poor man and the rich man to sleep under the bridge, to beg in the streets, and to steal bread" (France, 1927, 13). What does France mean by that statement? Would it be immoral for a mother to steal bread to keep her children alive? Would it make any difference if the mother did or did not understand ethical principles?

▶ What Constitutes Ethical Behavior?

John Stuart Mill contended that it was the business of ethics to tell us what our duties are, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty. On the contrary, 99 hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them (Mill, 1863, 419–420). Everyone has an opinion as to what constitutes ethical conduct. As Aristotle stated centuries ago: "It is hard to be accounted an expert in ethics because every person seems to think he knows something about it. In fact, everyone does" (Souryall, 2003, 7).

Often ethics is erroneously considered the practice of telling or counseling people how to act. Ethics, however, is not designed to instruct people on how to act. Ethics is also not concerned with values-clarification. The real concern of ethics is not with what one *does* value, but with what one *should* value (Facione, Scherer, & Attig, 1978, 10). Ethics' immediate goal is knowledge, not forcing, causing, or encouraging people to act in certain ways (Facione, Scherer, & Attig, 1978, 10). Once people have the knowledge, then "the knowledge" can serve as a guide to help program their behavior.

The traditional approach to ethics is an individualistic one. Our notions of good and bad, moral and amoral, are based primarily on our considerations of a person as an individual. Accordingly, the morality of any profession, including policing, cannot be separated from the morality of the individuals who constitute that entity, and the entity and the individuals who make up that entity need to be studied together.

▶ Ethics as a Restriction on Behavior

It is often stated that ethical restrictions on behavior are unconscious; that is, when we alter our behavior for ethical reasons, we often do not realize that it's our values and morals that guide our action. Does it matter that our values and moral guidelines are unconsciously held? According to one philosopher:

> Ethics, like metaphysics, is no more certain and no less dangerous because it is unconsciously held. There are few judges, psychoanalysts, or economists today who do not begin a consideration of their typical problems with some formula designed to cause all moral ideals to disappear and to produce an issue purified for the procedure of positive empirical science. But the ideals have generally retired to hats from which later wonders will magically arise. (Cohen, 1959, 3)

One of the important questions that should be examined in any study of ethics in the law enforcement context is: Is ethics a fundamental component of the decision making, or only a narrowly defined constraint on individual conduct?

Ethical egoism describes the view that human conduct should be based exclusively on self-interest. This concept is a normative statement regarding the best way to lead a life and what makes human conduct good or bad. Ethical egoism implies that the right thing to do is to always pursue self-interest. Can people ever act on motives other than those

of self-interest? Can a police officer ever act on motives other than those of self-interest? The Greek philosopher, Epicurus (341–270 BC), taught that human beings come to exist simply as parts of nature and like other natural things seek their own self-interest (Facione, Scherer, & Attig, 1978, 39). According to Epicurus, self-interest is self-pleasure and is naturally desirable. He also taught that true pleasure was achieved with peace of mind and that other things such as wealth, political power, or fame do not guarantee pleasure.

Utilitarianism is another ethical theory that, among other things, attempts to answer the question: What makes an action good or bad? The classical utilitarian, Jeremy Bentham, attempted to provide an objective means for making value judgments. According to Bentham, two important questions face utilitarianism: (1) good or bad consequences for whom, and (2) how we calculate the value of the consequences. Two classical theories of utilitarianism have developed. The first, by Bentham, holds that pleasure is the only thing of intrinsic value to people and thus worthy of pursuit. The second, developed by John Stuart Mill, states that happiness is the only thing of intrinsic value and that happiness is not merely the sum total of our pleasures of whatever variety.

utilitarianism A theory that attempts to answer what makes an action good by evaluating the sum total of the pleasures and pain that a course of action would bring.

Under Bentham's concept, also referred to as *hedonistic utilitarianism*, actions and practices are right if they lead to pleasure or prevent pain. They are wrong if they lead to pain or prevent pleasure. The measure to use in calculating pleasure and pain depends on the intensity and duration. The present-day approach using Bentham's theory would be to use a cost–benefit analysis of the proposed conduct.

According to Mill, the good which is happiness is not merely the sum of pleasures because there are important qualitative as well as quantitative differences among pleasures. Accordingly, two lives of equal quantitative pleasures may have different values because one may include pleasures of a higher quality. Mill contended that higher pleasures, such as intellectual or spiritual pleasures, were preferable to the more sensual pleasures, such as eating and sex.

▶ Kantian Ethics

One popular approach to solving ethical problems is by using the approach popularized by the eighteenth-century German philosopher, Immanuel Kant. This approach focuses on principles to define what is permissible and what is prohibited. To Kant, the essence of morality is strict respect for certain duties, and such respect supersedes any other goal. Kant contended that one's duty in a given situation could be deduced from fundamental *a priori* principles that were open to the careful inquirer, and such principles were independent of experience. According to Kant, duty is distinct from pleasure, moral virtue is the supreme good, and moral worth is measured neither by the consequences of persons' actions nor by their benevolence, but rather, by the persons' intentions to obey the moral laws. Accordingly, certain self-evident truths provide "the categorical imperative" for moral behavior (Walton, 1988). An examination of Nash's approach to solving ethical behavior (presented later in this chapter) indicates that her approach is a Kantian approach.

SOURCES OF ETHICAL PROBLEMS

- Personal gain involving activity of a dubious nature.
- Individual values in conflict with departmental goals.
- Competitive pressures.
- Cross-cultural considerations.

▶ Moral Development

moral development The theory that we develop morally like our physical development. The theory contends that because we are not born with the ability to understand and apply moral standards to our actions, we develop them like the manner in which we learn to do physical things, such as ride a bicycle.

An awareness of the patterns of **moral development** may help one understand what is involved in developing a moral position and how to formulate one's own moral positions.

According to Kohlberg, we develop morally similar to our physical development. Because we are not born with the ability to understand and apply moral standards to our actions, we develop them similar to the manner in which we learn to ride a bicycle or play baseball. Kohlberg, after years of research, devised a sequence of six stages in the development of a person's ability to reason regarding moral matters (Kohlberg, 1986, 36–51). He grouped the maturation of moral development into three levels, each with two stages. A summary of the six stages follows (Velasquez, 1982):

Level One: Preconventional Stages

These are the first stages and they are characterized by unquestioning obedience and the gratification of one's own needs.

Stage One: Punishment and Obedience Orientation: At this stage, the physical consequences of an act wholly determine the goodness or badness. The operative rule may be stated as: "Do the right thing and defer to the superior physical power of authorities in order to avoid punishment."

Stage Two: Instrument and Relativity Orientation: This is the stage whereby the child identifies right and wrong according to whatever satisfies the desires or needs that the child cares about. The operative rule may be stated as: "Respect the needs and desires of others in order to get the best for you."

Level Two: Conventional Stages

At the conventional stages, the individual recognizes that meeting expectations of others, such as family, peer groups, friends, or employees, is valuable.

Stage Three: Interpersonal Concordance Orientation: The right conduct at this stage is that conduct is viewed as what pleases and helps others and/or elicits social approval, such as being the "good son or good daughter." This is the Charlie Brown of *Peanuts* approach (Barry, 1985, 15). The operative rule for this stage is: "Do the right thing to please others in order to be good in your own eyes."

Level Three: Postconventional Stages

These stages represent the higher level of values and are the autonomous or principle stages. At this level, there is a questioning of the existing social and legal system in the light of social utility and abstract principles, such as justice and human dignity. At this stage, we no longer accept the values and norms of our group, but attempt to view situations that impartially take into consideration everyone's interest.

Stage Four: Law and Order Orientation: The perceived conduct explained in stage three is broadened to include one's own nation. At this stage, the individual is still authority oriented but also recognizes a personal stake in the maintenance of law and order. The operative rule for stage four should be: "Be duty bound to society's norms and respect the law in order to maintain social harmony."

Stage Five: Social Contract Orientation: This stage is characterized by the recognition of social contract, an implicit agreement between the individual and society. According to Kohlberg, stage five is expressed in the U.S. Constitution and represents the "official morality" of the U.S. government. He believes that less than a majority of people reach this level.

Stage Six: Universal Ethical Principles Orientation: The final stage of Kohlberg's moral development includes the formulation of abstract moral principles. Right

action is viewed in terms of universal ethical principles because of their logical comprehensiveness. At this stage, the individual acts in a certain way because the action is perceived as conforming to moral principles that the individual believes as the legitimate criteria for evaluating all other moral rules and arrangements. According to Kohlberg, few individuals reach this stage.

The six stages according to Kohlberg are sequential, in that people must pass through each of the earlier ones before advancing to the next higher level. According to Kohlberg, the majority of American people never advance beyond stages three and four.

▶ Values

values Beliefs that guide a person's or organization's behavior.

The term **value** is used in many different ways. Some of its meanings are subjective and some are objective; for example, in economics, values refer to the utility or usefulness of something or some person. Value also has subjective meanings in philosophy. Philosophical values are judgments about classes of objects or phenomena. Philosophers debate whether the value of truthfulness is absolute or situational; that is, it is good to be truthful, but are there situations where truth might do more harm than good? There is one common core to the various uses of the term *value*. Value refers to the "worth" of a system, object, and so on (Tracy, 1989). In this chapter, when we speak of values, we are referring to moral values.

Arnold Mitchell states that values, more than anything else, are what we believe, what we dream, and what we value (Mitchell, 1986, 33). Values are those concepts that we value. They act as filters, standards of behavior, and conflict resolvers. Values are also the forces that cause or motivate us to act. Values underpin our attitudes.

Our values are primarily derived from our early formative years. They do, however, change over time. Most people believe that our moral values are learned and that we generally acquire them from our parents, teachers, clergy, and peers. The learning process may be formal, as in school, or informal.

Conflict among values is inevitable. Our innate values often conflict with one another. In order to resolve value conflicts, we prioritize our competing values; for example, we may value life, but our values regarding our duties as a police officer may require us to place our life in danger in order to perform our duties. Accordingly, we must prioritize our conflicting values of continuing life and providing police protection to the public.

Whisenand (1982) lists the following general propositions regarding human values:

- The actual number of values that we possess is relatively small when compared to our interests, attitudes, and motives.
- Human beings tend to have similar values.
- Values are organized into hierarchical "value systems."
- The origin of our values can be traced back to our formative years, our culture, institutions, and society.

THE VALIDITY OF VALUES OF OTHERS

The focus should not be so much on how to change other people to conform to our standards and our values. Rather, we must learn how to accept and understand others in their own right, acknowledging the validity of their values, their behavior. American Indians believed that "to know another… you must walk a trail in his moccasins." This is a classic challenge for understanding others. If we can understand and respect other people and their values, then we can interact with them in a more effective manner (Massey, 1979, 79–80).

▶ Law Enforcement Values

In discussing values and police officers, often the comment is made that the occupational experience of police officers affects their value judgments and that police in general have different values than other citizens. Milton Rokeach conducted a research project on the possible value gap between police and citizens. One hundred and fifty-three Midwestern police officers were asked to rank certain values. Their rankings were compared to those of a sample of adults with no connection to law enforcement. Four of his hypotheses follow:

- *Police have value systems that are distinctly different than those of other groups in American society.* Rokeach concluded that this hypothesis was false. With regard to the 36 values considered in this research, police officers are not distinctly different from other groups in American society.
- *Police value systems are highly similar to value systems of those with comparable backgrounds.* Rokeach concluded that this second hypothesis was true. Police have values similar to other adults with comparable backgrounds.
- *Police values are a function of personality predispositions.* Rokeach concluded that this hypothesis was true. Personality, rather than occupation, tends to account for the selection of guiding principles.
- *Police values are a function of occupational socialization.* Rokeach concluded that this hypothesis was false. Occupational experience did not change the way officers used values as guides (Rokeach, Miller, & Snyder, 1971, 150).

WHY DO SOME OFFICERS BECOME CORRUPT?

According the authors, rarely does a police recruit enter the academy with the goal of becoming a corrupt law enforcement officer. The clear majority enter the police academy with more lofty goals. To determine why they become corrupt, we need to study the environment in which they are trained and later operate in and the ethical cultures of fellow police officers.

Departmental Values

Values are beliefs that guide a person's or organization's behavior. All organizations have values. The values are expressed through the actions of the organization; for example, actions or conduct that a police department considers as serious misconduct is a statement of what that department's values are in that area.

A police department's values can be ascertained by studying its administration and its policing style; for example, how does an administrator react to internal and external police ethical problems? A department that independently adopts an aggressive tactical orientation has a different set of values from the department that actively engages citizens in the crime prevention planning. Often, values are taken for granted until a public crisis focuses on a police department. The crisis may indicate that there is a disparity between publicly stated values and actual workplace values.

Management Tools

Organizational values can be important management tools in three circumstances:

- When management's values are incorporated into the administrative systems and culture of the organization and thereby become work ethics for the organization.

EXCERPTS FROM FBI WEBSITE ON COLOR-OF LAW ABUSES BY LAW ENFORCEMENT OFFICERS

During the calendar year 2012, 42 percent of total civil rights violation allegations against state and local law enforcement officers involved abuses under the color of law. The abuses were listed under five broad areas:

- Excessive use of force by officers
- Sexual assaults by officers
- False arrests and fabrication of evidence
- Deprivation of property
- Failure to protect citizens from harm.

Source: FBI website https://www.fbi.gov/about-us/investigate/civilrights/color_of_law. Accessed on October 28, 2017.

- When management values are suited to the challenges and tasks facing the organization and thereby lead to organizational success.
- When the management, through values, is superior to any other kind of management control (Wasserman & More, 1988).

Organizational Culture

Organizational culture in a police department represents a complex pattern of beliefs and expectations shared by its members. It is often defined as the shared philosophies, ideologies, values, beliefs, assumptions, expectations, attitudes, and norms (Hellriegel, Slocum, & Woodman, 1991, 302). The dimensions of an organizational culture include:

organizational culture Often defined as the shared philosophies, ideologies, values, beliefs, assumptions, expectations, attitudes, and norms of an organization.

- Behavioral regularities that are observable: commonly used language, rituals, and ceremonies.
- Shared norms.
- Dominant values.
- Accepted rules of the game that newcomers must learn.
- The feeling or climate conveyed by the physical way the organization interacts with outsiders.

Movies like the 1987 movie *The Big Easy* and books like *The Cops Are Robbers* and *Buddy Boys* paint the picture of corrupt police officers who started ignoring little things until the distinction between right and wrong became blurred and the officers became robbers. These scenarios point out the need to stress individual values and ethics and "to thy ownself be true." According to Vane King, ethical issues and values are most certainly not a new concern in law enforcement; however, they have never been so publicized, nor have the stakes involved been so high (King, 1991, 94). Police officers wrongfully taking gratuities has long been a problem with departments as evidenced by Photo 9-1 ■.

Personal Gratuities

A constant ethical problem faced by police officers involves the question of personal gratuities. According to some researchers, the fact that free coffee is being accepted by the police reveals only the surface problem. Many contend that police who become "dirty" got their start by accepting small gratuities and by the failure of police administrators to take a

PHOTO 9-1 Police officer taking a bribe during the prohibition era.
Library of Congress Prints and Photographs Division (LC-USZ62-10966)

strong position against "acceptable" gratuities. For an excellent discussion on this problem, see Benson and Skinner (1988).

Personal gratuities also create an unfavorable public perception of police. In the popular song, "Walk Like an Egyptian," the Bangles sang: "If you want to find all the cops, they're hangin' out in the doughnut shop." In a 1987 movie, *Raising Arizona*, a businessman's son was kidnapped. An outlaw contacted him and offers to find his son. The outlaw states he can do what the police cannot and that to find an outlaw, one should hire an outlaw. To find a doughnut, hire a cop. The two examples indicate that many people believe that officers spend most of their time in restaurants and doughnut shops drinking free coffee and eating free or less-than-full-price food.

Citizens who observe the police abuse their power for a free cup of coffee are likely also to believe that the same officers will be willing to take payoffs. Benson and Skinner (1988, 33) advocate that the solution to this problem is to first require that every supervisor demand completely and unequivocally that any personal gratuity is wrong, and second, that all officers must be educated in skills to avoid offered gratuities and the accompanying embarrassments.

Individual Guidance

There are some basic ethics tests that individual officers may use for guidance in questionable situations. The tests recommended by Benson and Skinner (1988) include:

- **Common Sense Test**—Does the questioned act make sense?
- **Publicity Test**—Would you be embarrassed if the conduct was reported on the front page of your paper?
- **One's Best Self-Test**—Does the conduct fit your concept of your best self?
- **Most Admired Personality Test**—What would your father or mother do in this situation?
- **Hurting Someone Else Test**—Does your conduct cause "internal pain" to someone else?
- **Foresight Test**—What are the long-term effects of your conduct?

If your proposed conduct fails any of the prior tests, then don't take the action. Some commonsense recommendations for avoiding offered gratuities include:

- Vary your habits and places. [If you are regularly observed in the same restaurant all the time, people will assume that you are receiving gratuities.]
- Develop a set response without fanfare to avoid the offer of free coffee or food. [Know the price of the food and on your way out, leave that amount with the cashier with a smile and a thank you.]
- Develop a set of responses to insist that the bill be paid. [Explain to the cashier that you appreciate her thoughts but you would feel better if you paid for the food.]
- Explain that accepting free meals or coffee is against departmental policy.

IS IT OK TO ACCEPT FREE COFFEE?

Is it OK to accept rewards for an act you are being paid to do, such as helping people?

Is it OK to take police department pens home?

In the 1970s, a chain of convenience stores in Northern Virginia advertised in the local papers that any police officer in uniform may visit their stores for a free coffee while on duty. The stores had been the target of late night robberies. The local prosecutor objected to this series of ads and convinced the chain to withdraw its program. The prosecutor contended that the free coffee campaign encouraged officers to spend more time in those stores and therefore depriving other businesses of equal protection. Do you agree with this assessment? Is this a form of bribery of law enforcement officers for more protection?

Brenner and Molander (1997) list the factors that contribute to unethical behavior in business. These same factors appear to be valid for police work and include:

- the behavior example set by superiors in the department
- the behavior of fellow employees
- the ethical climate of the profession
- society's moral climate
- organizational policy or lack thereof
- personal financial needs or desires.

Leadership Roles

Most researchers contend that police supervisors set the moral tone of the department and that top management serves as a key reference point for all subordinates (King, 1991). If that is so, then supervisors are obligated to set an ethical example for other officers to follow. In addition, top administrators should be willing and able to discipline violators of ethical standards. Often inaction by those in key positions is considered as approval of the conduct in question. A key duty of police executives is to evaluate what the public expects of its police and then communicate clearly and inculcate values (fairness, honesty, reliability, and accountability to the others in the department). Police leaders have the responsibility to develop an ethical environment that eliminates public suspicion and lessens the temptations toward unethical conduct.

▶ Lying and Deception

Sissela Bok distinguishes between two conceptual domains: the abstract question of truth and falsity, and the moral question of intended truthfulness or deception. She contends that veracity cannot be established by the truth or falsity of what one says, but based on whether one intends to mislead (Souryall, 2003, 227). When Bok published her first edition of *Lying: Moral Choice in Public and Private Life* in 1978, she stated that there had been a relatively small number of studies on the concept of the issues of truthfulness and deceit. In her second edition in 1999, she noted that since her first edition the issues had received considerable debate (Bok, 1999, xiii).

RANK ORDER THE LIES LISTED HERE WITH NUMBER 1 BEING THE MOST UNETHICAL AND NUMBER 7 BEING THE LEAST UNETHICAL

____ a. A doctor telling a dying patient that he will get well.

____ b. A police officer telling a defendant that the co-defendant has confessed and blamed the defendant for the murder.

____ c. An officer telling a suspect that she has the evidence to establish the suspect's guilt to the crime in an attempt to get the suspect to confess.

____ d. Informing a suspect that unless he confesses, his cousin, who is a police officer, will be fired from the police department.

____ e. Falsely stating on the witness stand that the defendant made a right turn without giving the proper turn signal as a reason for stopping the car in which a young kidnapped victim was discovered in the trunk.

____ f. Falsely stating your true age in an employment interview when answering a question that should not have been asked in the interview.

____ g. You write a letter of recommendation for your best friend and include in the letter an exaggerated evaluation of your friend.

Bok (1999, 14) describes a deceptive person as not one who is merely wrong or mistaken, but one who is intentionally deceitful or treacherous. She defines a liar as one who intentionally undertakes to deceive others by communicating messages that are intended to mislead them. She notes that a lie may be verbal, written, or conveyed via sign language; for example, the shaking of one's head may constitute a lie. According to Bok: "A lie is a statement, believed by the liar to be false, made to another person with the intention that the person be deceived by the statement" (Bok, 1999, 17). Note, her definition of what constitutes a "statement" is very broad. Under Bok's definition of a lie, intention is a key element. Accordingly, it appears that if my statement is in fact true, but I believe it to be false when I make it, I am telling a lie.

principle of veracity Bok's principle that establishes a very strong moral presumption against lying.

Bok's **principle of veracity** is the principle that establishes a very strong moral presumption against lying. Under her principle there is a strong presumption that any lie is wrong. She asks the rhetorical question: What would it be like to live in a world in which truth-telling was not the common practice? She makes it clear that we benefit enormously by living in a world in which the practice of truth-telling is widespread. She also notes that the social practice of truth-telling has great value, both generally and personally. Her principle of veracity is a moral principle because it tells you not to lie even when you could get away with it. There are two steps to defending the principle: (1) the fact that each of us personally benefits from a system that we want others to do their part in maintaining and (2) a principle of reciprocity that requires each of us to do our part in maintaining the system of truth-telling.

Are Some Lies Justified?

Samuel Johnson, a nineteenth-century English scholar, is reported to have made the following statement: "The general rule is that truth should never be violated; there must, however, be some exceptions. What if a murderer should ask you which way a man has gone?"

(Bok, 1999, 40). Immanuel Kant would have disagreed. Kant saw the formal duty of an individual to everyone was to be truthful. He contended that truthfulness in a statement cannot be avoided, however great the disadvantage may be. According to Kant, the duty to be truthful is absolute. Kant stated: "By a lie a man throws away and, as it were, annihilates his dignity as a man" (Kant, 1797, 123).

As noted earlier, Bok's principle of veracity has a strong presumption against lying. Lying is usually wrong, but not always. The presumption can be overcome. The problem under Bok's principle is deciding when lying is morally justified. She offers a mechanical procedure for deciding this question under her scheme of applied publicity. Her scheme has an introspective and an active part.

Under the introspective part, you must ask the following questions:

- Are there truthful alternatives?
- What is the context of the lie; that is, the relationship between the liar and the person being lied to?
- What are the effects of the lie? The good? The bad?
- Considering the context of the lie and the relationship of the parties, what are the arguments for and against the lying?
- What are the effects on the practice of veracity itself?
- When you weigh the considerations and decide on a conclusion, how would your conclusion and the reasons you made it impress other reasonable persons?

Under the active part, you need to see how an actual audience responds to your reflections. Would they agree with your conclusions? Your aim is to arrive at a decision that would be acceptable to a reasonable public. Bok sees the active part as a check on the introspective part. She notes that the active part cannot actually be carried out most of the time. When it is impractical, you need to fall back on your judgment as to how an actual audience would respond to your conclusions.

Lying and the Courts

In *Bumper v. North Carolina*, 391 U.S. 543 (1968), the U.S. Supreme Court stated that consent to search a home was invalid because the grandmother who gave consent had been falsely informed that the officers had a search warrant. As noted in Chapter 5, the U.S. Supreme Court also ruled a confession involuntary where the defendant was falsely informed that his cousin, a policeman, would be in trouble if the defendant did not confess [*Spano v. New York*, 360 U.S. 315 (1959)]. However, the Court has sanctioned the use of trickery and deceit in interrogation [*Frazier v. Cupp*, 394 U.S. 731 (1969)]. The Court indicated that unlike promises, trickery and deceit do not present the risk of inducing false confessions. In *People v. Afieri*, 95 Cal. 3rd 533 (1982), however, a California court held that a confession obtained after a defendant was informed that his fingerprints were found on a flashlight used in the crime was inadmissible. Apparently, the general rule in U.S. jurisdictions is that officers may lie in interrogations if the lie is not likely to induce a false confession.

In obtaining consent to enter and search a home, the general rule is that officers may lie regarding their position or identity, but may not lie about the reason why they want to enter the home; for example, officers may deny that they are police officers in order to be invited into the home of a suspect; thus, an officer may pose as a drug user and request permission to enter the apartment in order to buy drugs from the suspect. In this situation, the officer's identity was lied about but not the reason. The officer actually wanted to buy drugs from the suspect in order to catch the suspect in a drug deal.

There appears to be no reported cases where the courts have justified lying by police officers in a judicial proceeding. Judicial proceedings include documents submitted to a court. In one case there was a question as to whether officers had lied in an affidavit to obtain a search warrant. The U.S. Supreme Court, in *Franks v. Delaware*, 438 U.S. 154 (1978), stated that:

> When the Fourth Amendment demands a factual showing sufficient to comprise probable cause, the obvious assumption is that there will be a truthful showing. This does not mean "truthful" in the sense that every fact recited in the warrant affidavit is necessarily correct, for probable cause may be founded upon hearsay and upon information received from informants, as well as upon information within the affiant's own knowledge that sometimes must be garnered hastily. But surely it is to be "truthful" in the sense that the information put forth is believed or appropriately accepted by the affiant (officer) as true.

malfeasance The intentional commission of a prohibited act or intentional unjust performance of some act of which the party had no right (e.g., gratuity, perjury, use of police resource for personal use).

misfeasance The performance of a duty or act that one is obligated or permitted to do in a manner that is improper, sloppy, or negligent (e.g., report writing, unsafe operation of motor vehicle, aggressively "reprimanding" a citizen, improper searching of arrestees).

nonfeasance The failure to perform an act that one is obligated to do, either by law or directive, due to omission or failure to recognize the obligation (e.g., failure to file a report).

▶ Off-Duty Employment

Off-duty employment often creates ethical problems. Are there some off-duty jobs that police should be restricted from? Should an officer be allowed to work as a bouncer for a night club that has a reputation as a trouble spot? Should police officers be allowed to wear their uniforms while performing off-duty employment? For example, a church in Houston, Texas, hires off-duty officers to direct Sunday morning traffic. The officers work in their official uniforms. An example of a state directive on off-duty employment of police officers is the following one from the state of Alabama.

In Houston, the citizens who are not church goers complain that on Sundays, the off-duty officers stop the smooth flow of traffic to give priority to church members coming out of a church's parking lot. And that these actions result in unnecessary delays to those citizens legally using the roadways. This is one example where off-duty employment of police officers in uniform creates ethical concerns.

▶ Internal Affairs Unit

Most researchers agree that the effectiveness of any police department depends greatly on its internal integrity and external reputation in the community. Accordingly, it is important that any allegations of police misconduct be investigated quickly and efficiently. Failing to investigate citizens' complaints or requiring citizens to prove acts of misconduct before taking action can lead to a loss of public confidence in the department. In addition, the department has a duty to do more than just investigate citizens' complaints. When there is reason to believe that police misconduct has occurred, the department has the responsibility to initiate its own investigation. To establish and maintain public confidence, all investigations of police misconduct must be objective, thorough, and fair to all concerned. The different types of misconduct are **malfeasance**, **misfeasance**, and **nonfeasance**.

The standard unit for the internal investigation of police misconduct complaints is the internal affairs unit. In large departments, this may consist of several full-time officers. In a small department, it may consist of the part-time assignment of one officer. In most departments, to ensure that the chief is responsible for and kept current on matters involving internal discipline, the unit reports directly to the chief of police.

The internal affairs unit should be concerned with serious violations on the part of police officers. It should not become involved in issues properly belonging to command; for example, it should not be concerned with issues that can be resolved by supervisors,

such as reports of tardiness, improper dress, and absenteeism. The unit should conduct all investigations impartially, objectively, and with integrity. The activities of the unit should be well documented for the benefit of both the public and the officers.

Ideally, the department will have a clear, comprehensive written directive that delineates the processes and procedures to be used in investigating police misconduct. All complaints, even those determined to be unfounded, should be recorded. The recording also helps the police department refute any claims that complaints are being ignored. Each complaint, whether in person, by telephone, or in writing, should be taken courteously and recorded. Most departments retain their records of internal investigations for two to five years, purging the files if no subsequent complaints are filed within that period.

One difficult question in dealing with police misconduct investigations is how much of the information is to be released and to whom. On the one hand is the person who filed the complaint with the desire to know how the complaint is being handled and on the other hand is the confidentiality rights of the officer being investigated. Records of internal investigations should not be retained with individual personnel records. The segregation of the files helps strengthen the confidentiality of the internal affairs records. The separation also makes the records more difficult to obtain in civil court actions, in that the party requesting the records in a court action has the duty to establish the necessity for their disclosure. [For an excellent discussion on the confidentiality of internal affairs records, see *Frankenhauser v. Rizzo*, 59 R.F.D. 339 (E.D. Pa., 1973).]

The ideal internal affairs department carefully observes the rights of the principals involved. When an officer is being interviewed, the IACP recommends the following conditions:

- The interview will be conducted at a reasonable hour, and unless immediate action is required, while the officer is on duty.
- The officer should be informed prior to the interview of who will be present at the interview and the name of the officer in charge of the investigation.
- The officer should be informed of the nature of the investigation and the names of the complainants.
- The interview should be held during a reasonable period, allowing time for personal necessities and reasonable rest periods.
- The interview should be recorded and all persons participating in the interview should be aware of the recording.
- The officer should be afforded the assistance of counsel or other representative of the officer's choice, at all times during the interview (International Association of Chiefs of Police, 1980, Training Key 299: The Disciplinary Process-Internal Affairs R). [Note: In most states there are state statutes that provide protection for the officers similar to those previously noted.]

Whether or not the officer may be required or pressured to take a polygraph exam or ordered to appear in a lineup depends on state law. State law must also be considered in determining whether an officer may under threat of firing be required to take physical tests such as voice-print analyses or providing hair samples. In most states, officers may be ordered in administrative investigations to answer questions and incriminate themselves. Such forced statements, however, may not be used in criminal proceedings. Volunteered statements are generally admissible in criminal proceedings, if the requirements of the Miranda rule have been complied with. Generally, under federal law, police officers may not be forced into making statements to be used in criminal proceedings under threat of losing their jobs.

CASE STUDY Excerpts from *Frankenhauser v. Rizzo*

1973 U.S. Dist. LEXIS 14556 (E.D. Pa, 1973)

The plaintiffs (spouse and children of individual killed by the police department) sued the City of Philadelphia and its mayor (Rizzo) under 42 U.S.C.S. sec. 1983 to recover damages for the wrongful death of their husband and father who was shot and killed by Philadelphia police officers. After the shooting, the police conducted an exhaustive investigation. The spouse and children sought copies of the police investigation under Federal Rule of Civil Procedure 26(b)(1).

Court's Opinion: Paul Frankenhauser was shot and killed by police in a dyeworks in the Kensington section of Philadelphia on the afternoon of September 1, 1970. Named as defendants were the police officers who allegedly fired the fatal shots and their superiors in command, the city, and the mayor. The complaint alleges that the decedent and his brother, Joseph, who was with him, were unarmed, that neither the decedent nor his brother had threatened the police during the encounter and chase that resulted in the shooting, and that there was no provocation or justifiable cause for the police action. In their answers, the defendants have asserted that one of the Frankenhauser brothers was armed, that the police had heard shots and thus had reasonable cause to believe that one of the brothers was armed, that the Frankenhausers acted in such a fashion that the policemen involved believed that they were in danger of being seriously injured, that the officers acted in a reasonable manner, and that the shooting was justified. Before the court is a discovery motion (request for documents) which raises principally the question of whether plaintiffs have the right to inspect and copy witnesses' statements to police and the reports of the police investigations made in the aftermath of the episode, or whether these reports and statements are properly the subject of an executive privilege.

The police department investigation that followed the shooting was apparently extensive. Many statements and photographs were taken, all the physical evidence was analyzed, and an autopsy was performed on the decedent. The defendants, represented by the City Solicitor of Philadelphia, have now agreed to make available to the plaintiffs their radio tapes of the incident, physical evidence regarding the killing, physical evidence taken from the home of the decedent following his death, the autopsy report on the decedent, photographs of the scene of the killing, a list of all known witnesses to the killing, and a list of previous or subsequent events involving Paul and Joseph Frankenhauser and decedent's wife, who is a plaintiff in the action. However, the defendants have refused to accede to the plaintiffs' requests for discovery of the following:

1. Reports of the analysis of physical evidence made by the police department.
2. The results of polygraph examinations conducted by the police.
3. Statements signed or unsigned, from police or civilian witnesses to the killing.
4. Police investigation reports relating to the killing.
5. Police reports of previous incidents involving Paul or Joseph Frankenhauser.
6. Written communications, reports, references to, or accounts of all communications among members of the police department or between members of the police department and any other person or law enforcement agency regarding Paul or Joseph Frankenhauser.

The admissibility of polygraph examinations at trial has been the subject of a number of recent opinions. No record on the reliability of polygraph examinations has been developed in this proceeding. For the present at least, we are inclined to agree with those courts holding that the results of polygraph tests are inadmissible in a judicial proceeding. Moreover, whatever view one takes on the admissibility of polygraph examinations, at this point we fail to perceive how disclosure of the results of the polygraph tests would lead to the discovery of other admissible evidence, which is the general test for scope of discovery under rule 26 (b)(1). We note that the plaintiffs have not undertaken to show the Court just whose polygraph examinations are involved, what the examination results would tend to show, or how those results would lead to the discovery of other admissible evidence, if any.

The facts here do not support the privilege claim. Executive privilege is the government's privilege to prevent disclosure of certain information whose disclosure would be contrary to the public interest. The defendants (City and police) argue that police investigations such as the one here involved are made under a veil of confidentiality and that it would contravene the public interest and would impair the functioning of the police department if the results of such investigations were disclosed. They contend that destruction of the confidentiality of police investigative records would have a "chilling effect" upon the department and would impede candid and conscientious self-evaluation of actions of the department. Defendants

further assert that parties to police operations would become reluctant to talk, that witnesses would hesitate to come forward, and that law enforcement officials' actions would be guided less by the call of duty than by a continual fear of lawsuits arising out of their official conduct.

First, we do not believe that rare instances of disclosure pursuant to a court order made after application of a balancing test comprising detailed standards such as those enumerated here would deter citizens from revealing information to the police. Neither do we perceive any impact of the disclosure of factual statements surrounding an investigation of a shooting upon persons who gave them. Police officers are, of course, willing to cooperate, and we believe that the average citizen is also willing to cooperate with law enforcement officials. Disclosure under the circumstances of this case would not reveal any details of police self-evaluation, because we will limit disclosure to factual data, as opposed to evaluative summaries and recommendations. Furthermore, over two years have elapsed since the completion of the investigation, and no criminal charges have been brought against anyone; it is unrealistic to believe that any will be brought, notwithstanding the fact that there is no statute of limitations on homicide. Neither does it appear that any intradepartmental disciplinary actions have been instituted as the result of the events in question, and it is equally unrealistic to believe that any will be at this late date. Furthermore, no party seeking discovery is actually or potentially a defendant in any criminal case arising out of the incidents in question.

While we intimate no view whatever as to the merits of the plaintiffs' cause of action, a reading of the complaint reveals that its allegations are substantial and that it apparently brought in good faith. The plaintiffs' need for the facts contained in the police investigative files is manifest. The police investigation was conducted promptly after the incident occurred and certainly should be comprehensive and reliable. Most of the eyewitnesses to the shooting were police officers, and the widow and children had no means to duplicate the police investigation. Interviews or depositions at this late date could not do so.

There is no doubt that production of a statement should be ordered if a witness has a faulty memory and can no longer relate details of the event.... The mere lapse of time is in itself enough to justify production of material otherwise protected as work product.... The notion that memory fades with the passage of time needs no demonstration.

The statement of a witness taken immediately after the accident is a catalyst of unique value in the development of the truth through the judicial process. It should be available to both parties no matter which one obtained it.

The foregoing application of the balancing test makes it clear that the plaintiffs are entitled to discovery of the signed statements of witnesses and those portions of the police reports containing factual data. No harm to the public interest can flow from such discovery. The same reasoning applies to the analysis of physical evidence made by the police department. Indeed, plaintiffs might be entitled to such information even in a criminal case. Notwithstanding the foregoing, we shall not require disclosure of the evaluative summary portion of the police investigative reports and will order those portions excised before delivery to the plaintiffs.

The final question in the case involves the request for "police reports of previous incidents involving Paul or Joseph Frankenhauser and written communications, reports, references to, or accounts of all communications among members of the police department or between members of the police department and any other person or law enforcement agency regarding Paul or Joseph Frankenhauser." According to representations made by the plaintiffs' counsel at oral argument, these data are material to the issue of whether the police had probable cause to believe that the Frankenhauser brothers were armed, dangerous, engaging in violations of the law, etc. While the request is reasonable under the circumstances, because of its unusual nature and our inability to foresee just what type of data are involved, we will inspect the sought material *in camera* prior to ruling on the discovery motion. We will apply the standards articulated in this opinion and will take special note of whether the reports consist of factual data or evaluation and opinion.

In accordance with the foregoing opinion, we enter the following order.

1. Defendants shall produce to the plaintiffs for inspection and copying the following materials from the files containing the police investigation of the incident described in the plaintiffs' complaint:
   a. Reports of the analysis of physical evidence made by the police department.
   b. Statements signed or unsigned, by police or civilian witnesses to the killing and the events leading up to the killing.
   c. Police investigation reports relating to the killing and the events leading up to the killing, except for such portions of those reports as constitute opinion and evaluative summary.
2. The plaintiffs' motion to compel discovery of polygraph examination reports is denied as beyond the proper scope of discovery.

3. Copies of police reports of previous incidents involving Paul or Joseph Frankenhauser, and written communications among members of the police department or between members of the police department and any other person or law enforcement agency regarding Paul or Joseph Frankenhauser, shall be furnished by defendants to the Court for *in camera* inspection within 20 days, whereupon the Court shall in due course rule upon the amenability of the matters thus furnished to discovery in accordance with the standards enunciated in this Opinion.

The citizen who made the complaint has a right to make the complaint anonymously. The citizen should receive acknowledgment that the complaint was received, and that appropriate action will be taken. The citizen should also be advised of an officer who will be the contact person for more information regarding the complaint.

HOW WILLING ARE OFFICERS TO REPORT MISCONDUCT?

The following survey regarding reported misconduct by police officers was taken from NIJ Research Report "Enhancing Police Integrity" published in December 2005. The complete report may be obtained from the NIJ at website www.ojp.usdoj.gov/nij.

The survey results suggest that, more than any other factor, concern for the welfare of their peers led officers to refrain from reporting the misconduct of other officers. Officers shielded a colleague willingly if the misconduct occurred for what they perceived to be good reasons, such as sleeping on duty because a sick spouse or child prevented an officer from getting enough sleep. On the other hand, officers reluctantly concealed misconduct they perceived to be irresponsible, chronic, or exploitative, such as sleeping on duty because of excessive partying or off-duty employment. It was only when another officer's exploitation of their support became unbearable, chronic, or put their own position at risk, would an officer alert a supervisor to the misconduct. Even then, they sought to conceal their identities.

Although this concern for colleagues can explain officers not reporting serious misconduct, this was not the case in the three agencies studied. The researchers believe that the relative success these agencies had in encouraging officers to come forward derived from four strategies used to weaken officers' tendency not to report misconduct:

- They made it explicit that they would discipline either an officer's failure to report a colleague's misconduct or a supervisor's failure to discipline an errant officer.
- They fired any officer caught lying during a misconduct investigation, no matter how minor the offense under investigation. This action was highly valued because of its dampening effect on officers' willingness to conceal a peer's misconduct.
- One agency rewarded officers who reported their colleagues' misconduct and, to avoid repercussions and possible antagonism from fellow officers, they allowed anonymous and confidential reporting.
- Because the loyalty and support that officers come to expect from one another can be a source of the failure to report misconduct, the agencies sought to prevent the bond among officers from becoming too strong. To do this, two agencies regularly rotated new supervisors between service areas, patrol districts, and patrol teams. One agency also introduced racial, ethnic, gender, educational, political, cultural, religious, and generational diversity into the department.

It appears that whether an officer's misconduct is report by another officer depends on the department and the culture that has grown within it; the seriousness of the crime may also be a factor. Smaller departments are less likely to engage in cover ups as the police are too deeply embedded in the community.

Ellins v. City of Sierra Madre

CASE STUDY

710 F.3d 1049 (C.A.9 (Cal.), 2013)

Facts: A police officer submitted his application to his supervisor for an Advanced Peace Officer Standards and Training (P.O.S.T.) certificate. The application for certification required a signature from a "Department Head" or "Authorized Designee." In a paragraph above the signature line, the application reads, "Recommendation to Award Certificate: In my opinion, the applicant is of good moral character and worthy of the award(s), based on personal knowledge." The officer would have received a 5 percent pay raise if he received an Advanced P.O.S.T. certificate.

Earlier, the police officer led a no-confidence vote of the police officers' union against the Chief of Police. When the chief subsequently delayed signing an application for a certification, the officer brought suit under 42 U.S.C. § 1983 against the chief and the City of Sierra Madre, alleging that the delay was unconstitutional retaliation for the exercise of his First Amendment rights.

Decision: The court reversed the summary judgment in favor of the chief and the city and returned the case to the trial court for trial.

The court noted that the First Amendment shields a public employee if he speaks as a citizen on a matter of public concern; however, when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.

The court followed a sequential five-step inquiry to determine whether an employer impermissibly retaliated against an employee for engaging in protected speech.

First, the plaintiff bears the burden of showing: (1) whether the plaintiff spoke on a matter of public concern; (2) whether the plaintiff spoke as a private citizen or public employee; and (3) whether the plaintiff's protected speech was a substantial or motivating factor in the adverse employment action omitted.

Next, if the plaintiff has satisfied the first three steps, the burden shifts to the government to show: (4) whether the state had an adequate justification for treating the employee differently from other members of the general public; and (5) whether the state would have taken the adverse employment action even absent the protected speech.

POLICE USE OF BODY CAMERAS

To curb perceived or actual abuses in the excessive use of force, many police department have equipped their officers with body cameras. According to a report in the *New York Times* (referenced in the next paragraph) by 2015, 95 percent of the large police departments reported that they were using body cameras or were planning on doing so in the near future. The article also stated that the federal government had given police departments more than $40 million to invest in body cameras and that state and local authorities have spent many millions more.

How effective are the programs that equip police officers with body cameras? One 18-month study of more than 2,000 police officers in the City of Washington concluded that body cameras have little effect on police behavior. The study noted that officers equipped with cameras used force and prompted civilian complaints at about the same rate as those officers who were not equipped with cameras (Ripley & Williams, 2017). The Washington Metropolitan Police Chief stated that the results of their `study were surprising, but the cameras had a number of benefits that could not be easily measured. Most important according to the chief was that the cameras bolstered the trust of the community.

Oakland, California's chief of police noted that in the overwhelming majority of cases, body cameras demonstrate that the officer's actions were appropriate. The San Diego chief of police stated that one advantage of the use of body cameras was that they helped the department improve its understanding of incidents involving claims of racial profiling.

(continued)

As noted in a National Institute of Justice Study:

Among the police executives whose departments use body-worn cameras, there is an overall perception that the cameras provide a useful tool for law enforcement. For these agencies, the perceived benefits that body-worn cameras offer—capturing a video recording of critical incidents and encounters with the public, strengthening police accountability, and providing a valuable new type of evidence—largely outweigh the potential drawbacks. For example, Chief Superintendent Stephen Cullen of the New South Wales (Australia) Police Force said, "After testing out body-worn cameras, we were convinced that it was the way of the future for policing." According to Mesa (Arizona) Police Department, the benefits of Body-worn camera included:

- Nearly three times more complaints against officers without cameras, eight months after camera deployment
- 40 percent fewer total complaints for officers with cameras during pilot program
- 75 percent fewer use of force complaints for officers with cameras during pilot program.

Source: Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. (2014). *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services, pp. 1–5.

BUREAU OF JUSTICE ASSISTANCE'S FREQUENTLY ASKED QUESTIONS ON BODY-WORN CAMERAS

1. What are officer body-worn cameras?

   Officer body-worn cameras (BWCs) are relatively small devices that record interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers. The video and audio recordings from BWCs can be used by law enforcement to demonstrate transparency to their communities; to document statements, observations, behaviors, and other evidence; and to deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public.

2. How does an officer body-worn camera work?

   The technology consists of the camera, which is typically worn on the officer's uniform (placed optionally on the shoulder lapel, sunglasses, or hat), with a forward-facing viewable area. When thinking about the mounting location, an agency should consider the uniform types worn by officers and how uniforms may vary throughout the year (summer, winter). Additional accessories may be required to ensure the camera is properly positioned, securely attached, and protected to support the officer and his or her unique mission.

   There are a number of different types of camera with differing options, including user controls such as push to record, touch-screen controls, video and audio feed, and playback in field. The video evidence is uploaded through a docking station on a local storage device (e.g., server) or through an online web-based digital media storage platform where the evidence can be encrypted and managed.

   Some models also allow for video upload while in the field. At the February 26–27, 2015, Bureau of Justice Assistance Body-Worn Camera Expert Panel

convening, Donna Twyford of the U.S. Customs and Border Protection Service shared a warning that "cameras with lots of options are not always beneficial–they may simply just present more items that can be lost or broken."

During those same discussions, Maggie Goodrich of the Los Angeles Police Department (LAPD) explained it is important to critically look at and transparently share equipment capabilities. In the LAPD, "there was an officer evaluation–if the vendor said that the camera did A, B, and C, we tested it to prove it. We conducted reviews of different mounts and presented the videos to evaluate quality. It was a fully transparent process; we felt responsible to demonstrate and share with groups when video did not fully capture or represent the entire event."

3. How are body-worn cameras different from dashboard cameras?

   Dashboard cameras are fixed to the law enforcement vehicles, therefore they can capture video from the front of the vehicle. Some dashboard cameras allow for audio recording near the law enforcement vehicle. Body-worn cameras (BWCs) retain the strengths of the dashboard camera, but they allow the technology to accompany the officer wherever he or she goes. In some instances, using BWCs and dashboard cameras together can be beneficial, documenting an event from two different perspectives.

Source: Adapted from Bureau of Justice Pamphlet. (2015). "Body-Worn Camera Tool Kit," accessed online at www.bja.gov.bwc. Accessed on January 15, 2018.

Summary

- Ethics is the normative study of individual conduct. It is also defined as a set of rules that define right and wrong conduct. Ethics deals with fundamental human relationships. Ethical rules tell us when our behavior is acceptable and when it is disapproved and considered as wrong.
- Often ethics is erroneously considered the practice of telling or counseling people how to act. Ethics, however, is not designed to instruct people on how to act. Ethics is also not concerned with values clarification.
- The real concern of ethics is not what one *does* value, but what one *should* value. Ethics' immediate goal is knowledge, not forcing, causing, or encouraging people to act in certain ways. Once people have the knowledge then "the knowledge" can serve as a guide to help program their behavior.
- The traditional approach to ethics is an individualistic one. Our notions of good and bad, moral and amoral, are based primarily on our considerations of a person as an individual. It is often stated that ethical restrictions on behavior are unconscious; that is, when we alter our behavior for ethical reasons we often do not realize that it's our values and morals that guide our action.
- Ethical egoism describes the view that human conduct should be based exclusively on self-interest. This concept is a normative statement regarding the best way to lead a life and what makes human conduct good or bad. Ethical egoism implies that the right thing to do is to always pursue self-interest.
- Utilitarianism is an ethical theory that among other things attempts to answer the question: What makes an action good or bad? The classical utilitarian, Jeremy Bentham, attempted to provide an objective means for making value judgments. According to him, two important questions face utilitarianism: (1) good or bad consequences for whom, and (2) how we calculate the value of the consequences.
- We develop morally similar to our physical development. Because we are not born with the ability to understand and apply moral standards to our action, we develop it similar to the manner in which we learn to ride a bicycle or play baseball.
- The term *value* is used in many different ways. Some of its meanings are subjective and some are objective; for example, in economics, values refer to the utility or usefulness of some thing or person. Value also has subjective meanings in philosophy.

- Philosophical values are judgments about classes of objects or phenomena. Philosophers debate whether the value of truthfulness is absolute or situational; that is, it is good to be truthful, but are there situations where truth might do more harm than good?
- There is one common core to the various uses of the term *value*. Value refers to "worth" to a system, object, and so forth. All organizations have values. The values are expressed through the actions of the organization.
- A police department's values can be ascertained by studying its administration and discussing its policing style; for example, how should an administrator react to internal and external police ethical problems? A department that independently adopts an aggressive tactical orientation has a different set of values than the department that actively engages citizens in crime prevention planning. Often values are taken for granted until a public crisis focuses on a police department.

Classroom Discussion Questions and Activities

1. Your Personal Hall of Fame: Make a list of the 10 persons that you admire most. Then make a list of qualities that you admire most regarding the persons listed. Examine the list. The items listed probably reflect character traits, abilities, and other qualities that you admire and therefore place a high value on.
2. Make a list of the 10 things that you enjoy (value) most. Rank the list from 1 to 10 with 1 being your most valued activity. Next, place an "a" by those activities that you have done in the last two weeks; a "b" by those you have done within the last three months; a "c" by those that you have not done within the last year; and a "d" by those that you have not done within the past two years. Examine the list. How does the assigned letter compare with the assigned number? For example, do your 1s and 2s have an "a" designation? Are there any patterns in your list? Do you need to reassign your rankings? What does the list demonstrate regarding where your values lie?
3. Assume you have just graduated from the academy and you are assigned to a two-person patrol unit with a veteran police officer. The two of you take a lunch break at a local restaurant. When you ask for your check, the veteran asks, "Why are you doing that? The food is free to us, that is why we stopped at this place." What actions should you take at this point?
4. Officer West reported to internal affairs that Officer White, a 10-year veteran, had a habit of eating in the more expensive restaurants in the city and leaving without paying the check. What do you think of Officer West's conduct? Is he a snitch? Would you blow the whistle on Officer White?
5. Assume you are still assigned to the patrol unit mentioned in number 3. For no apparent reason, the veteran who is driving stops a car in front of him that is being driven by three young minorities. He orders the individuals out of the car and finds drugs in the car. You are assigned to write up the report of the arrest. He explains to you that all you need to do is to indicate that the car was weaving to justify the stop. What actions should you take at this point?
6. One night while on duty as a patrol officer, you walk into a bar. At the end of the counter are two fellow police officers. You know that the officers are on duty and that they are drinking beer and are in a good mood. They invite you to join them. What actions should you take at this point?
7. Discuss why departure from ethical conduct on the part of one police officer can affect all the officers in the department.
8. Is it ever permissible for a police officer to give false testimony in court to ensure that a dangerous criminal goes to jail?
9. Explain the differences between ethics and values.
10. Review Professor Nash's 12 questions. Which of them can be helpful in assessing the ethics of a law enforcement course of action?

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CHAPTER OUTLINE

- Introduction
- Report Writing
- Police Language
- Radio Communications
- Telephone Communications
- Special Communications Issues
- Computer Systems
- Data Communications
- Summary

10 Police Reports and Communication

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe the importance of preparing correct police reports.*
- *Describe the importance of police communications.*
- *Explain the importance of using correct radio procedure.*
- *Identify the correct procedures to use when using the 9-1-1 system.*
- *Explain the issues involved in using emails.*
- *Identify the issues involved in police communications.*

▶ Introduction

In this chapter, the first section will deal with report writing. The remainder of the chapter discusses communication issues. We take communication for granted. In fact, the mere reading of this text is a form of communication. It is estimated that 70 percent of the time that we are awake, we are involved in some sort of communication (Wallace & Roberson, 2013, 2). Often, we hear the statement that communication may be either verbal or written. The correct statement should be that communication may be oral, written, or nonverbal. Remember that **verbal communication** (meaning language) may be either written or oral.

verbal communication Language that is either written or oral.

Wallace and Roberson noted that there are at least 94 different definitions of communication, but regardless of the definition, all communications encompass three essential elements:

- It is a process, not an isolated event.
- It involves at least two persons.
- Its primary purpose is the exchange of information.
- The reason that communication is not an isolated event is that it requires at least five basic steps:
- The transmitting of an idea or information.
- The sending of the idea through a medium.
- Receiving the message.
- Understanding the idea.
- Providing feedback to the sender.

The concept of transmitting an idea implies the formation of one or more thoughts and the desire to express these thoughts. Suppose you are a section chief and you see an officer in your section who looks very tired. If you make a comment to the officer that he looks tired, then you are communicating information to the officer. If, however, you decide not to say anything, then the information was not transmitted and, therefore, there was no communication. For communication, you need to send the idea or information to the officer via a medium, such as an oral comment. If the officer did not hear you or did not understand it, then there was no communication. If the officer in the example heard you and understood you, then the officer would provide feedback. **Note:** Ignoring communication is technically a form of feedback.

Communications cannot occur in a vacuum. There must be at least two people involved. If you go into the woods and shout and no one hears you, you are making noise, you are not communicating. Frequently, when I have difficulty in writing a letter, I read the draft to myself out loud. (If anyone comments that I appear to be talking to myself, I always reply with the comment that seldom do I get a chance to talk to someone so brilliant.) This is not a form of communication because only I am involved. When I mail the letter to someone else, it then becomes communication.

The primary purpose of **communication** is to transmit information. If I make a statement to see how my voice will sound in a forest, I am not making the noise to transmit information and therefore it is not communication. Sometimes the actual words used in communication are not the information being transmitted, but the information is subtler. Suppose a suspect wants to convey to the officer that he or she is not intimidated by the officer. The suspect may say something like, "I could care less." In this example, it is the tone of the message that is transmitting the message to the officer, not the words.

communication An activity whose primary purpose is to transmit information.

Communication is critical in a law enforcement agency. Officers need the ability to communicate internally regarding policies and procedures that affect the agency's

operations. Likewise, the ability of officers to communicate externally to groups or individuals within the community is also critical. Both oral and written communications are addressed in this chapter.

Communications within a law enforcement agency may be horizontal, downward, or upward. A downward communication could be a message from the chief to all officers. An upward communication would be from an officer to the chief. Communications are also horizontal or lateral, perhaps from one officer to another. Communications may also be considered as formal or informal. A formal communication would be a memo from the chief. A classical type of informal communication is the "rumor mill."

▶ Report Writing

Former presidential candidate Adlai Stevenson is credited with making the following statement:

> *"Man does not live by words alone, despite the fact that sometimes he has to eat them."*

Communication, oral or written, is especially critical in a law enforcement agency.

The mission of any police department is to apprehend law violators. Apprehension, however, is only the first step in the criminal justice system. Once a suspect has been arrested, a series of steps follow: booking the suspect; performing follow-up investigations; submitting arrest information to local, state, and national databases; and, finally, testifying in court about the arrest. Members of police departments must also be able to communicate internally regarding procedures and policies that affect their operation. Likewise, the ability of law enforcement officers to communicate externally to groups or individuals within the community is crucial.

In this section, we emphasize report writing as the major form of communication within a police agency. All law officers, however, from rookies to law enforcement administrators, must master several types of writing skills. Arrest reports, follow-up investigation paperwork, memorandums, standard operating procedure literature, and promotion tests are a few common types of written communication involved in the day-to-day operation of a police department.

Writing is not the only form of information transfer within a law enforcement agency, however. Oral communication is equally important in many situations. Oral expression covers the entire spectrum of the communication process. It starts when officers greet one another before roll call and continues through roll call and out onto the streets.

Communication by Email

Email has virtually replaced snail mail (U.S. Postal Service). There are rules of engagement when using emails. The most critical of these rules are as follows:

- Email stands for "evidence" mail. An email is a permanent record. Even after it has been deleted from the server, it can be resurrected and read in courtrooms by lawyers who are not friends of yours.
- Analyze the emails you receive. Is it useful or a waste of time? Tactfully ask those who regularly send you lots of low-utility emails to curtail their activity.
- Use email only when it is the most efficient channel for your needs.
- Be cautious when sending any information over the email; ensure that it is error free.
- Never send an email when you are upset or angry. Cool off first.

- For important information to have the greatest impact, the hierarchy of communication channels should be face to face, telephone, and lastly email.
- Proofread and edit emails the same way as you would with snail mail.
- Write clear and professional emails.

KEYS TO GOOD WRITING

- Choose a suitable design or structure for your document and keep to it—a clear structure is important to communicate your message.
- Make each paragraph a unit of composition—helps with the clarity and precision of your writing.
- Use the active voice—easier to read and understand.
- Place statements in positive form—don't use double negatives, etc.
- Use definite and concrete words—say exactly what you mean.
- Omit needless words—make each word work overtime in your document.
- Avoid loose sentences—loose sentences tend to run on without a sense of direction.
- Express coordinate ideas in similar form—there should be parallelism in the language used in your document.
- Keep related words and ideas together—this helps the reader understand the flow of the document.
- In summaries, keep to one tense—keeping the summary in one tense makes it more readable.
- Place emphatic words at the end of the sentence—people tend to remember the last part of what they read, so put the good stuff at the end of the sentence.

Source: Harvey Wallace and Cliff Roberson. (2013). *Written and interpersonal communication methods for law enforcement* (5th ed.). Columbus, OH: Pearson.

21 GENERAL RULES FOR REPORT WRITING

1. Law enforcement reports are generally written about past events. Accordingly, under most circumstances they should be written in the past tense. Rather than write that the car *is* black, state that the car *was* black. (It may have been repainted since then.)
2. Be specific in quantifying an individual's behavior in your reports. Although the subject may be aggressive or combative, those words have different meanings to different people. For example, reporting that the subject "took a boxer's stance, tightened his lips across his teeth, was breathing rapidly, and brought up clenched fists" is a better description of the subject's conduct than the comment that the subject was "combative."
3. The officer writing the report should write in the first person. Report writing should be similar to speaking. When speaking to a colleague, you would not say "this officer." The third-person "fly on the wall" report is more cumbersome to write and not as easy to grasp by officers being trained how to write reports.

4. When you are writing reports that contain the statements of others (witnesses, suspects, or other officers), use the third person to refer to the others: "Officer Smith stated that the weapon belonged to him."
5. Use complete sentences in your report. All sentences should have subjects and verbs and convey complete thoughts. Do not write sentence fragments. Sentence fragments are groups of words that begin with capital letters and end with periods but are not complete sentences.
6. If the subject is singular, the verb in that sentence should also be singular. If the subject is plural, the verb must also be plural.
7. Collective nouns are always singular; therefore, their verbs should also be singular.
8. Indefinite pronouns are always singular.
9. Use adjectives to alter, give additional meaning to, or modify nouns and pronouns. Use adverbs to alter, give additional meaning to, or modify verbs, adjectives, and other adverbs.
10. Most words ending in -ly are adverbs. Not, never, and very are also adverbs.
11. When deciding whether to use an adjective or an adverb, find the word being modified. If the word is a noun or a pronoun, use an adjective. If the word is an adjective or an adverb, use an adverb.
12. Do not use run-on sentences. Run-on sentences are two or more sentences joined into one long sentence.
13. Eliminate comma splices. Comma splices occur when two complete sentences are joined with commas without connecting words such as *and* or *but*.
14. Use correct punctuation in your reports. Poorly punctuated reports can be confusing and misleading.
15. Use apostrophes to show possession. Possessive pronouns (e.g., his, hers, ours, yours, theirs, and its) do not need apostrophes.
16. Many people do not understand the rules for using brackets. Accordingly, as a general rule do not use them in law enforcement reports.
17. Use quotation marks in reports only to enclose exactly what a person said.
18. Do not use abbreviations that can be confusing to people who are unfamiliar with the subject matter. When in doubt, spell it out.
19. Poor spelling creates doubt about the report. One method of eliminating misspelling is through your word choice.
20. If force was used, the report should contain all the specifics of how and why the officer used force.
21. If handcuffs were used, the officer should report this fact. For example, one career law enforcement officer recommends the use of language similar to the following: Mr. Jones submitted to my handcuffing him. He was handcuffed with his hands behind his back, with his palms facing outward. I then checked the handcuffs to see that the handcuffs were on properly and double-locked the handcuffs and checked that they were double-locked. I asked Mr. Jones how the handcuffs felt and he did not reply to my question. I placed the tip of my right little finger between each of Mr. Jones's wrists and the handcuffs were on properly.

Source: Used with the permission of Harvey Wallace and Cliff Roberson (2013) Written and Interpersonal Communication Methods for Law Enforcement, Columbus, OH: Pearson.

VOICES OF EXPERIENCE

NEED FOR ACCURATE REPORTS

Excerpts from an interview between Cliff Roberson and retired sheriff's lieutenant, Gregg W. Etter, Sr. Professor Etter is currently a faculty member at the University of Central Missouri, Warrensburg, Missouri.

Q: Any advice for officers in writing their field reports?

A: Yes. The most important factor in report writing is to pay attention to detail. Small, seemingly insignificant details may not mean anything at the time, but often those small details have great importance in the investigation. For example, in one case, the entire investigation turned on a minor detail in a miscellaneous field report. A female prostitute had been kidnapped by some drug dealers because they thought that she had cheated them on a marijuana deal. She had managed to escape. After she escaped, she was taken to a hospital because she had been beaten up pretty badly and had a broken arm. I went to the hospital to take her statement. She told me this wild statement about being stuffed into the trunk of a car. That she had been tortured and sexually assaulted. And that they had taken her to her boyfriend's apartment, killed his tropical fish, and shot him. When I got back to the office, I was looking through the reports that had been filed that week and found a miscellaneous field report filed by a road deputy. According to the field report, the officer had taken a call from a male who was deemed to be mentally ill. The male talked about this lady who was put in the trunk of the car. Since there were no reports of any missing person fitting the description, the deputy questioned the validity of the report. (The prostitute did not turn up until five days later.) The road deputy was given a key ring by the mentally ill person, which the deputy had noted in his report and turned in. The key ring had the prostitute's first name on it. The mentally ill person was able to give a description of the car and sufficient details to identify the individuals involved in the kidnapping and shooting.

Source: Used with permission of Excerpts from an interview between Cliff Roberson and retired sheriff's lieutenant, Gregg W. Etter, Sr. Professor Etter is currently a faculty member at the University of Central Missouri, Warrensburg, Missouri.

Police in Action: ONLY YESTERDAY: A GLANCE AT THE DEVELOPMENTS IN POLICING WITH THE USE OF RADIOS

The police radio system has been an essential law enforcement tool since the 1930s. Police officers have come to rely on both in-car and portable radios for not only information from dispatchers but critical intelligence about the people they contact and the dangers they face. An often overlooked fact is that for officers working alone, the radio is a comforting lifeline. They know that all they have to do is push the button and call for backup and their brothers and sisters will come running.

One-Way Communications

On April 7, 1928, the City of Detroit started using one-way radio communications to deploy their police cars. In that year, Detroit policemen and electronic buffs, Kenneth Cox and Robert Batts built the first successful one-way link between the department headquarters and police cars. During the 1920s in the city and other parts of the United States, bank robbers and bootleggers were evading capture and making clean getaways during this era of prohibition. With the use of a one-way link, critical information could be transmitted from department headquarters to the police cars as the officers in the cars were chasing the lawbreakers. Soon other police departments started using the one-way system. There were two major problems with the one-way system: (1) The ability of patrol cars to receive the broadcasts was not very consistent. Frequently, the signals would fade out as the cars passed large buildings or under bridges. (2) The second, more serious

problem was that if the patrol car driver needed to pass information to headquarters, the officer would need to find a pay phone and call headquarters via the pay telephone. Photo 10-1 is a photograph of an early police radio station.

By 1937, there were over 2,000 police agencies using the one-way system. Detractors of the one-way radio system claimed that the officers were using the radio system to listen to baseball and football games.

Two-Way Communications

Piedmont, California, is credited with being the first police department to establish a two-way radio transmission system in the early 1930s. By September 1941, there were 10 cities in the Bay Area of California that were using two-way radios. Note: There are some reports that the first city to establish a reliable two-way system was Los Angeles. By 1933, the police department in Bayonne, New Jersey, initiated regular two-way communications with its patrol cars. Engineer Frank A. Gunther and station operator Vincent J. Doyle placed transmitters in patrol cars to enable patrolmen to communicate with headquarters and other cars, instead of just receiving calls. Two-way police radio became standard throughout the country following the success of the Bayonne and Piedmont systems. Photo 10-2 depicts a modern two-way system installed in a patrol car. Technology has vastly improved since the 1930s (Poli, 1942; Griffith & Clark, 2014).

PHOTO 10-1 A police radio station in Washington, DC, circa October 1938.
Library of Congress Prints and Photographs Division (LC-DIG-hec-25278)

PHOTO 10-2 A photo of a modern two-way radio installed in a patrol car.
Yevhen Prozhyrko/Shutterstock.

Effective Police Communications Systems Require New "Governance"

Excerpts from the National Institute of Justice Report. "Effective Police Communications Systems Require New "Governance." Available on the NIJ website, July 9, 2013.

Overview

Public safety agencies must be able to communicate effectively with each other to protect and serve citizens. To do that, police departments create "governance" agreements that allow them to jointly own, operate and manage communications systems for the benefit of all the participating agencies, which may be in different counties or adjacent states.

Key Points

- Shared governance that includes multiple agencies is a new model for public safety.
- All agencies must be involved from the beginning of the project.
- Participants must create a formal structure for governance.
- Shared ownership and mutual trust are critical to success.
- Elected officials and other decision-makers must be involved.
- Without partnerships, federal, state, and local systems will remain incompatible, hindering future communications and duplicating efforts.
- Public safety agencies must educate their communities about the benefits of shared governance.

The Need for Governance in Public Safety

Police departments started using radios in 1933; each unit of government bought radios individually for many years. A region might have had separate local, county, and state communications networks serving the same area. Each government agency managed its own system and normally did not coordinate purchases or share equipment with neighboring jurisdictions. Even different public safety disciplines in the same jurisdiction had their own radios and other equipment. For example, fire, police, transportation, and emergency medical services, frequently, had separate communication networks in the same city. These uncoordinated efforts led to communication "stovepipes" in many regions and states.

In the 1980s and 1990s, some public safety agencies realized the benefits of communicating with other agencies. Innovative partnership projects began forming and developing in San Diego, North Carolina and other cities and states. Regional or statewide governance structures managed shared communications. The partners found that new purchases were more cost-effective when agencies cooperated. Some areas moved from single agency ownership to joint ownership of communications equipment.

The entire public safety community now realizes that partnerships are needed to meet future challenges. Agencies are rethinking communication and data sharing procedures and are learning new ways to communicate and exchange information. Successful governance arrangements will be critical to these efforts.

How to Make Governance Work

Invite key leaders early. Major problems emerge if key agencies are not brought to the table early. Leaders who are not involved in the early stages may feel left out, which could lead to their being unsupportive of the entire idea. Agency officials are more enthusiastic about being involved in a project when they can influence early decisions.

Share ownership. Public safety agencies have traditionally owned and managed their own communications equipment. Shared governance creates complexities that are new to many agencies. Successful projects have important roles for every jurisdiction involved. While one agency may manage day-to-day activities, the project's "road map" must be shared by all the participants.

Build trust. Agencies involved in governance must learn to trust one another. Trust can be an issue if participants have never met in person or worked together. Building trust involves sharing the project's successes and problems. All integral agencies should receive credit for successes. Participants must feel that they are part of a team, and not just "users" paying for a service.

Formalize the Governance Structure

Participants must formalize governance procedures. Managers need the authority to develop project goals, define the scope of the shared ventures, and identify funding methods. The joint program must include a long-term funding plan.

Participants can take various approaches to these challenges, one of which is a "Joint Powers Agreement." These agreements are contracts that cover details such as methods of cooperating, sharing equipment and supporting the governance program. Working groups can address the details.

Involve and Educate Decision-Makers

Communications systems have continuing sustainment and maintenance costs. Many existing public safety interoperability projects involve representatives from all branches of government. Elected officials need to understand the long-term commitments and benefits of these projects. Without the support and understanding of elected officials, long-term funding will be challenging.

Educate the Community

The public is often not aware that effective communication is a challenge for public safety organizations. Projects can lose public support if people do not understand the benefits of sharing communications systems. Citizens can be a major force in supporting projects once they understand the situation. Some governance structures have members of the public on their boards.

Outlook

There is increasing support for public agencies to work together on regional communications projects. By strengthening partnerships and improving communications, agencies can meet the challenges in new governance arrangements. Partnerships are needed to protect our communities and provide first responders with the latest technologies. Without partnerships, federal, state, and local systems will continue to be incompatible, hindering communication.

▶ Police Language

All professions have their own jargon and slang that they use on a daily basis. Frequently, to outsiders they refer to it as technical language, but actually it is the jargon and slang of the profession. Police officers also speak a unique language—one that is often considered by others as slang. In police "lingo" cars become "units" and perpetrators become "perps." It's interesting to note that sometimes police language is different in different parts of the country—a criminal is a "perp" in New York and a "suspect" in California.

Police jargon or slang serves a useful purpose. It helps communicate concepts unique to law enforcement more efficiently to other officers. One officer can transmit information to another officer quicker using police jargon. It also helps soften the harsh edge of daily reality. The biggest handicap with the use of jargon is that it is often used when an officer is dealing with members of the community at large who may not understand the jargon and therefore its use may create barriers to effective communications.

▶ Radio Communications

In the 1920s, when the police first started using radio communications, it was strictly one-way communications broadcast on standard low-wattage AM radios. The dispatcher broadcasted service calls and hoped an officer would respond to the calls. If the officers wanted to communicate with the dispatcher or the station, they were required to do so by telephone or police call boxes.

Today, most patrol officers are dispatched by radio. Most law enforcement agencies have at least three or more frequencies. The three common frequencies are the primary channel, which carries the bulk of the traffic including dispatch; an administrative channel to handle administrative matters; and a car-to-car channel to allow uninterrupted communications between individual patrol units. The larger police agencies, like the Chicago Police Department, use over one hundred frequencies and many of their police divisions, bureaus, and specialized units have their own channels.

Radio waves

radio wave The basic building block of radio communications. Like waves on a pond, a radio wave is a series of repeating peaks and valleys.

Radio waves are the basic building block of radio communication. Like waves in a pond, a radio wave is a series of repeating peaks and valleys. The entire pattern of a wave, before it repeats itself, is called a cycle. The number of cycles, or times that a wave repeats in a second, is called frequency. Frequency is measured in hertz (Hz), referring to the number of cycles per second. One thousand hertz is referred to as a kilohertz (kHz), 1 million hertz as a megahertz (MHz), and 1 billion hertz as a gigahertz (GHz).

Radio spectrum

radio spectrum The complete range of frequencies from approximately 30 kHz up to more than 300 GHz that can be used for radio communications.

The complete range of frequencies from approximately 30 kHz up to more than 300 GHz that can be used for radio communications is the radio spectrum. Frequencies are often grouped in ranges called bands. Bands of interest to public safety include HF (high frequency), VHF (very high frequency), UHF (ultra high frequency), and most recently SHF (super high frequency). Radio systems operating in the 806–824 MHz and 851–869 MHz portion of the UHF band are often referred to as "800 MHz systems" and are distinguished from systems in the other parts of the UHF band. Frequencies above 1 GHz are often referred to as "microwave" bands. A radio wave is generated by a transmitter and then detected by a receiver. An antenna allows a radio transmitter to send energy into space and a receiver to pick up energy from space. Transmitters and receivers are typically designed to operate over a limited range of frequencies within a specific frequency band (or bands).

Spectrum Allocations/Regulations

Spectrum allocations for state and local public safety are fragmented into many distinct slices of the radio spectrum. Regulation of specific frequencies for federal agency use occurs within the National Telecommunications and Information Administration, while the FCC regulates the spectrum for non-federal users.

The aggregate amount of state and local public safety spectrum allocated within these bands is about 97 MHz and is subject to change pending resolution of re-banding issues in the 800 MHz band. Twenty-four MHz of the TV spectrum (channels 60–69 in the 700 MHz band) has been reallocated to Public Safety. Most agencies do not have access to this band until their regional frequency plans are approved by the FCC. An additional 50 MHz is also allocated for public safety broadband data applications in the 4.9 GHz band. Regional frequency planning is underway, standards are being developed, and manufacturers are gearing up to produce equipment to operate in this new frequency band.

Channels

The FCC grants licenses for groupings of frequencies called channels. When the FCC licenses a channel, it authorizes a center frequency (or carrier frequency) and a maximum excursion from that frequency. Radio information is typically transmitted using frequencies contained within a single channel; older public safety radio systems typically use wideband 25 kHz channels.

Outlook

The FCC has required all public safety agencies to migrate their operating systems below 512 MHz to systems based on 12.5 kHz narrowband channels by 2013. The FCC's order will affect planning, new equipment purchases, and new systems procured in the timeframe leading up to that date. To avoid interference between systems using the same or adjacent frequencies, the FCC ensures that a channel is licensed to only one user in a given area. As part of FCC licensing, an agency must first confirm availability of specific frequencies from an FCC-authorized, public-safety frequency coordinator, a private entity that will confirm availability and provide assistance when evaluating frequency design issues.

Interdepartmental Operations Channel

Presently, most states have an interdepartmental operations channel that is assigned to law enforcement agencies for use by mobile/mobile police radio communications between state law enforcement agencies; for example, New York State operates a channel (155.370 MHz) that is restricted to communications between state police agencies. The use of this channel for non-interdepartmental operations is a violation of FCC rules and regulations.

Voice over Internet Protocol

The Internet has provided law enforcement agencies with a new method of communications, Voice over Internet Protocol (VoIP). This method is the digital transmission of voice communications through a data network based on Internet Protocol (IP). The VoIP technology allows voice and data communications to share networks and thus increase efficiency, reliability, and cost savings.

Standards have not been adopted for the use of VoIP by public safety agencies. As a result, data encoded by one vendor's device will likely not be decoded by another vendor's device. An emerging standard for public safety communications is called Project 25 (P25) InterSubSystem Interface (ISSI).

IP is an open, standards-based set of rules that can route data around network failures and persistently transport data with minimal delay and loss of content. IP also has mechanisms that can automatically discover the best route through a network with multiple paths.

VoIP is a technology for encoding and routing digitized voice and data traffic over the Internet. Two VoIP categories are particularly relevant to public safety: VoIP telephony and VoIP within public safety communications systems.

Through IP technology, voice communications are digitized and then segmented into standard digital data payloads (i.e., batches or collections of data) that are, in turn, encapsulated within IP packets so they can be transmitted via the IP transport network. This process allows voice and other information—such as video data—to coexist in a single IP data network so it can be transmitted using shared equipment and communications lines. "IP gateway" is a term often used to describe the device that takes voice or video and encodes or decodes it into outgoing or incoming IP data. A variety of VoIP-based products are available, including personal computers and specialized network appliances.

The potential benefits of IP-based voice technology for public safety include the following:

- Reduced communications costs. Voice and data communications may be combined into a single, well-designed network.
- Increased reliability. A well-designed IP transport network can reroute data from congested network paths so communications integrity is maintained.
- Enhanced scalability. IP protocols for routing data are scalable to support a large number of users.
- Interconnectivity. IP-based radio interoperability equipment is often used to interconnect older or different private radio systems if traditional radio techniques cannot be used.

Most IP networks, including the Internet and many closed IP networks (such as intranets), will support VoIP traffic. The Internet, however, is relatively non-secure, unpredictable, and uncontrollable, and thus unsuitable for many public safety uses. Agencies need to evaluate their options before deploying VoIP as a solution for communications operations.

An IP network can transmit voice and image data efficiently, but there is also the potential for loss of clarity or delay in transmission. Agencies can implement a quality-of-service protocol to give voice data priority over other data, especially if the overall load of the network is unpredictable.

Although transmitting voice data via IP is common, the methods of encoding and signaling differ from vendor to vendor. Information encoded by one vendor likely will not be decipherable by another vendor's device or encoding software. Agencies should consider IP interoperability from multiple vendors and across multiple jurisdictions be fore making final decisions.

The P25 ISSI, which is part of the P25 standards suite, is emerging as the most mature public safety IP standard. The ISSI has been partially approved within the Telecommunications Industry Association and will allow for P25 trunked radio system interconnectivity over a wide geographic area using IP-based technology. The Telecommunications Industry Association is accredited by the American National Standards Institute. For more information, contact the Communications Technologies Center of Excellence (Camden, NJ) 866-493-4675.

Potential public safety concerns related to VoIP-based telephony technology include its inability to provide traditional location identification (Enhanced 911, or E911) services for 9-1-1 emergency calls placed to a public safety answering point (PSAP). IP-based telephony equipment is not tied to a specific location like wireline-based plain old telephony service. An IP-based telephone can be transported from location to location, and, therefore, traditional caller location services are not available to the emergency call-taker, creating PSAP procedural issues.

Radio Procedures

Listening and talking over the radio are acquired skills that take practice to become proficient. As a veteran police officer once advised, when using the radio always assume that most of the people in the city are listening to you. In addition, most agencies keep

recordings of all radio traffic. Accordingly, keep your radio traffic professional. Each officer with a radio is assigned a call sign. Use the call signs rather than an officer's name. Always identify yourself to the dispatcher by the call sign.

Radio time is limited, so don't waste it. Think out your message in advance. Your radio transmission should convey the information in a calm, clear, accurate, and concise manner. If your message must be long and time-consuming, pause every 20 to 30 seconds so that if another unit has an emergency, the unit can break in.

Most law enforcement agencies use a code system as a shorthand method of transmitting information; for example, in most agencies the code 10-20 refers to location. The 10 code (e.g., 10-20 for location) is the most widely used system. It is also the code adopted by the Association of Public Safety Officers. The 10 code is set forth later in the chapter. Many law enforcement agencies also use the 11 code for a wide variety of traffic-related situations. In one agency, a code 11-15 means children playing in the street.

Agencies also code the radio calls by "status" codes. Generally, the lowest status code is Code 0 which is routine, Code 2 is priority, and Code 3 the highest priority. Some departments, like the LAPD, also subdivide the status codes such as "Code 3 high" for life and death situations or "Code 2 high," which could be a robbery or other violent crime.

Silent Scanners

For more than half a century, the media and the general public have been able to tune in to emergency communications by using relatively inexpensive scanners. The squawking of one or, more typically, several scanners has been a staple in the newsroom for as long as most journalists can remember.

Many police agencies are trying to prevent citizens from listening to police scanners. The Winter Park Police Department (in central Florida) was one of the first law enforcement agencies to encrypt all its radio communications. The City of Philadelphia's Police Department has also switched to encrypted communications, but it wasn't long before those willing to pay for expensive decoders could get them. Those agencies generally argue that the shielding of communications is necessary to prevent criminals, drug dealers especially, from monitoring in order to keep tabs on the police's whereabouts. Police agencies have always had the ability to conduct sting operations in silence or on special radio channels, but if anyone can afford the expensive technology designed to get around encryption, it's drug dealers. As a newspaper noted, blanket encryption in the Flagler County, Florida, Sheriff's Office's case—where most crime doesn't fall in the category of urban murders and drug dealing—will end up shutting out mostly those who listen to police communications for good purposes. The *Florida News Journal* claims that essentially the greater majority of the county will be, for most residents, under the equivalent of police-radio silence (July 24, 2006, A-1).

According to the newspaper, listening to police scanners isn't just a hobby or a strange way to add some white noise. Many people listen to police scanners for genuinely legitimate and commendable reasons. There are those who want to know what's happening in their neighborhoods—crime, fires, ambulance calls—though just as often as not, it's cats stranded in trees and false alarms bothering a few square blocks. A mildly trained ear listening to scanner transmissions can have virtually the whole story, uncut and unfiltered. There are also those who like to make sure that law enforcement and public safety agencies are doing their jobs, answering dispatch calls promptly and knowledgeably. The trained ear listening to a scanner can pick up on those nuances. And, of course, it should be said that there are those who depend on scanner transmissions to stay on top of breaking events in the community, so readers and viewers can be informed promptly. Police news is usually among the most sought after by newspaper readers and television viewers alike.

Police communications, according to the newspaper, are public records. As such, they should be accessible to the public rather than hidden from it as effectively as the technology allows. If the sheriff's office in Flagler County, Florida, or others aren't about to turn back, state law still compels the agencies to record their dispatch communications and to keep the recordings at least 30 days before discarding them. This provides an oversight window for those who truly want to keep tabs on their police agency, but it doesn't replace the live element of monitoring activity as it is happening. For that, scanner buffs and others will have to invest in more expensive technology that outwits encryption. Ultimately, according to the paper, it's worth noting that keeping tabs on police work is a much greater public service than dissimulating it.

In 2005, the Wichita Falls, Texas, Police Department encrypted their scanners. More than a month after the new encrypted police scanners went silent for the media and public the news organizations reached an agreement with the city to allow access to the communications. The media outlets had threatened to sue for the same access to real-time police and fire communications they had in the past. The media claimed that by listening to scanners, reporters find out about car accidents, crimes, fires, road closures, and public safety threats.

As the result of the agreement, the city allowed television stations and newspapers each to possess as many as two programmed digital radios. The radios are programmed to receive dispatching information from the Wichita Falls Fire Department, as well as the police department's primary traffic channel. For weeks, Wichita Falls officials insisted that the media and other outside parties should not have access. Officials claimed that officers' safety was at risk if the public knew where police were going. They also claimed that information that officers need to give to each other during an incident, such as someone's health condition or criminal activities, cannot be broadcast with others listening (*The Daily Texan*. "After refusing initially, city gives media police scanners." Austin, Texas, June 8, 2005, A3).

Radio Call Signs and Codes

Police agencies generally use identification designations for call signs. This may be very simple in a small agency—"Unit Paul 1" may be the chief of police and "Unit Paul 2," the deputy chief. The larger agencies, like the Los Angeles Police Department (LAPD), frequently use codes that identify the unit by either geographic location or function. From 1968 to 1975, NBC ran a popular television show, *Adam-12*, about police officers in Los Angeles. The program concentrated on the daily activities of a pair of LAPD officers whose call sign was 1-Adam-12. At the time, LAPD was divided into 18 divisions. The "1" referred to LAPD's central district, "Adam" designated a two-officer patrol, and the "12" was the actual unit number. The call signs of the two lead actors in the television series, *CHIPS*, a series about the California Highway Patrol, were "LA Mary 6 and Mary 7." They were fictional motorcycle patrol officers assigned to the LA division of the California Highway Patrol. The call sign "6 FB-12" in LAPD refers to a foot patrol unit in the sixth district (Hollywood) and "12" is the actual unit number. "14-Mary-Queen-4" is a motorcycle officer assigned to the Motor Task Force. "4-King-25" is a robbery homicide investigator working for LAPD Investigative Services.

Almost all law enforcement agencies use radio codes to save air time and make communication more effective. The **phonetic alphabet** was designed to avoid confusion between letters that sound alike. The phonetic alphabet is a list of words used to identify letters in a message transmitted by radio or telephone. Spoken words from an approved list are substituted for letters; for example, the word "Navy" would be "November Alfa Victor Yankee" when spelled in the phonetic alphabet. This practice helps to prevent confusion

phonetic alphabet List of words used to identify letters in a message transmitted by radio or telephone.

between similar sounding letters, such as "m" and "n," and to clarify communications that may be garbled during transmission.

The phonetic alphabetic has been used widely by the military. An early version of the phonetic alphabet appeared in the 1913 edition of *The Bluejackets' Manual*. Found in the Signals section, it was paired with the Alphabetical Code Flags defined in the International Code. Both the meanings of the flags (the letter which they represent) and their names (which make up the phonetic alphabet) were selected by international agreement (U.S. Navy, 1913).

Movement to Plain Language

After years of using 10-codes in police communications, the new movement is to phase out those codes and use instead plain language; for example does "10-13" mean an officer is in trouble or is it a request for a wrecker? Police departments are beginning to realize that the use of 10-codes hampers the ability to communicate over the radio with officers in other departments.

As noted on the National Institute of Justice website on police operations, the use of 10-codes originated in the early 1920s, when public safety radio was in its infancy and officers rarely had to communicate with officers outside their own department. Early radio technology did not provide law enforcement with the capabilities that are available today. From the 1920s through the early 1980s, most departments used one-channel conventional radios to communicate with officers in the field. Everyone shared the channel, which became congested when simultaneous events took place in different locations; thus, out of need, the 10-codes emerged, although they were not standardized. These codes enabled departments to pass concise information among officers in a minimum amount of radio time, reducing radio traffic. This traffic decrease allowed more officers to communicate when they needed to.

In later years, the use of 10-codes helped to prevent suspects who were within earshot from understanding what officers and dispatchers were saying; however, the need to communicate with other departments has grown in recent years, and the use of 10-codes—which vary across jurisdictions—can potentially confuse first responders from different agencies when they work together.

According to the National Institute of Justice website on police operations, agencies must be able to communicate effectively across jurisdictional lines. Using plain language helps. The Department of Homeland Security encourages plain language in its National Incident Management System. How the migration to plain language should occur is subject to some debate. There are, however, some essential ingredients for a successful transition.

First, law enforcement executives must commit to a plan and develop a road map that outlines the necessary steps. Executives should first get advice from the officers and dispatchers, who will be most affected by the change, and then design the appropriate training and education programs.

Second, each agency should be allowed to keep a small subset of agency-specific codes that are understood by officers but not by the public; for example, even agencies that have switched to plain language for almost everything else still retain a veiled language code that can alert officers to an undercover operation. The exceptions to plain language should include a standard word or phrase for an officer in trouble. Before the move to plain language, many agencies used some form of the number 13, such as "signal 13" for an officer in trouble. Today many agencies have replaced this with a brief phrase known only to dispatchers and officers.

Last, some existing plain language can become standardized. "Stolen car" may be referred to as a GLA (grand larceny auto), a GTA (grand theft auto), or some other term in adjacent jurisdictions; however, jurisdictions can agree to adopt a standard term.

Law enforcement can also adopt straightforward words and phrases for situations that involve dealing with emotionally disturbed people or pursuing fugitives and suspects.

For plain language to be effective, it must be comprehensive and compulsory. Agencies must use it for all radio transmissions, not just during mutual-aid events. Agencies have recognized that some codes will still be used during normal radio transmissions, such as 10–4, which is recognized as "okay," "copy," or "acknowledged."

Those agencies that have adopted plain language have not reprimanded officers who slip and occasionally use codes during this transition.

Whether or not local agencies choose to switch to plain language for everyday use, it is occasionally being mandated by some regional and national organizations. Most regional communications plans put forth by the National Public Safety Planning Advisory Committee require agencies that use the national calling channels (CAL90, 8TAC91, etc.) to use plain language when talking to other agencies on these channels. To avoid mistakes during an event, regions should promote the use of plain language on a routine basis when using the shared channels. Standardized plain language across all jurisdictions will remove the confusion that can occur when agencies do not use the same codes and signals. Law enforcement agencies that routinely use codes and reserve plain language for emergencies involving multiple jurisdictions may be more likely to lapse into code, even during emergencies, which could create confusion.

Using plain language can help to create clearer communication across jurisdictional and agency lines. In addition, it may reduce the anxiety experienced by many new officers who have to memorize codes. It should also reduce training time for new officers.

PHONETIC ALPHABET

There are two general phonetic alphabets used in the United States. Law enforcement agencies generally use the one on the left, while fire agencies primarily use the one on the right.

Law Enforcement

A	Adam	N	Nora
B	Boy	O	Ocean
C	Charlie	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-ray
L	Lincoln	Y	Young
M	Mary	Z	Zebra

Fire and Military

A	Alpha	N	November
B	Bravo	O	Oscar
C	Charlie	P	Papa
D	Delta	Q	Quebec
E	Echo	R	Romeo
F	Foxtrot	S	Sierra
G	Golf	T	Tango
H	Hotel	U	Uniform
I	India	V	Victor
J	Juliet	W	Whiskey
K	Kilo	X	X-ray
L	Lima	Y	Yankee
M	Mike	Z	Zulu

Plain language is encouraged by the Department of Homeland Security, the Association of Public-Safety Communications Officials, and the International Association of Chiefs of Police.

Crime Broadcasts

When an officer arrives at the scene of a crime, one of the officer's first responsibilities is to broadcast information about the crime to dispatch and other patrol units. While each agency has its own format for crime broadcasts, generally the broadcasts are in the following order: type of crime, time delay, location, any weapons used, loss or injury involved, suspects if any, type and description of vehicle the suspects may be in, and possible direction of travel. A typical crime broadcast may be: armed robbery at 2116 Main; at 10:15 A.M.; weapon used described as a blue-steel revolver; loss was one hundred and ten dollars; suspect is a male Caucasian estimated height about six feet and heavyset; vehicle may have been a 1990 Black Ford Mustang with California plates; last seen northbound on Main Street.

Interception of Telephonic Communications

Electronic surveillance consists of the acquisition of call-identifying information and the interception of communications content. Call-identifying information is defined as dialed number information that identifies the origin, direction, destination, or termination of any communication generated or received by a subject of surveillance. Normally, call-identifying information is collected via "pen registers" and "traps and traces." Content is defined as the substance or meaning of a communication and is obtained by a wiretap. The use of electronic surveillance is strictly limited by law. In the vast majority of cases, before installing a device to intercept telephonic communications, the agency must obtain a warrant from a court with jurisdiction over the subject matter.

Criminal organizations and individuals frequently use the telecommunications systems of the United States to further serious violent crimes, including terrorism, kidnapping, extortion, organized crime, drug trafficking, and public corruption. One of the most effective tools law enforcement uses to investigate these crimes is court-authorized electronic surveillance; however, continuing advances in telecommunications technology have impaired and in some instances prevented telecommunications carriers from assisting law enforcement in conducting court-authorized electronic surveillance. Congress passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994 to enable law enforcement to conduct electronic surveillance despite the deployment of new technologies and wireless services that have altered the character of electronic surveillance.

CALEA required that telecommunications carriers ensure that their equipment, facilities, or services provided the following four capabilities (assistance capability requirements):

1. Expeditiously isolate the content of targeted communications transmitted within the carrier's service area.
2. Expeditiously identify information regarding the originating and destination numbers of targeted communications, but not the physical location of the targets, except as could be determined by the phone number.
3. Transmit to law enforcement intercepted communications and call-identifying information to a location away from the carrier's premises.
4. Carry out intercepts unobtrusively, so that targets of electronic surveillance were not made aware of the interception and in a manner that did not compromise the privacy and security of other communications.

According to a report of the Director of the Administrative Office of the United States Courts on Applications for Orders Authorizing or Approving the Interception of Wire, Oral, or Electronic Communications, the most common location specified in wiretap applications authorized was "portable device, carried by/on individual." According to the report, 88 percent of all wiretaps authorized involved portable devices such as portable digital pagers and cellular telephones.

▶ Telephone Communications

Most citizens contact the police by telephone. Agencies generally have set policies for answering telephone calls. Many agencies have the goal of answering every telephone call within a specified number of rings. In the larger agencies, the telephones are usually answered by a dispatcher. In the smaller agencies, officers often provide relief assistance for the dispatcher. The general rule is that each call will be handled in an efficient and proficient manner. The 9-1-1 system is used for emergencies and a different line is for non-emergencies; however, many emergency calls are received on non-emergency lines. When that happens, the dispatcher or officer needs to know how to handle the call.

Cellular telephones (cell phones) are commonly used for communications and the number of individuals using cell phones is increasing each year. A big problem with cell phones is that conversations on these phones are not secure communications. Officers using cell phones to pass information to headquarters or other officers should assume that the public, the press, and even some sophisticated criminals may be listening to the conversations. Of course, this also works to the police's advantage. One of the largest Medicare fraud cases in New York State was broken because the criminals were talking on cell phones that the federal agents were monitoring. (As mentioned in Chapter 6, monitoring a cell phone is not a search under the Fourth Amendment and therefore does not require a warrant.)

FEDERAL ENHANCE 9-1-1 ACT OF 2004

In December 2004, the "Ensuring Needed Help Arrives Near Callers Employing 9-1-1 Act of 2004" (ENHANCE 9-1-1 Act of 2004) was enacted by the federal government. (This act has to be one of the most uniquely titled acts in American history.) The act established a national 9-1-1 Implementation Coordination Office (ICO) whose functions include the following:

- Actions to improve federal coordination and communication on 9-1-1 activities.
- Developing, collecting, and disseminating information concerning practices, procedures, and technology used in the implementation of 9-1-1 services.
- Administering a grant program designed to provide funding to 9-1-1 call centers to upgrade their equipment and operations to receive 9-1-1 calls with automatic phone number and location identification.

The National 9-1-1 office is housed in the Office of Emergency Medical Services at the National Highway Traffic Safety Administration (NHTSA). NHTSA and the National Telecommunications and Information Administration (Department of Commerce) are partners in this effort.

9-1-1 Communications

9-1-1 is the official national emergency number in the United States and Canada. The 9-1-1 network is also part of the nation's emergency response and disaster preparedness system. Although the term "9-1-1" has come to mean the entire public safety communications system, in fact, it's simply a dedicated telephone system for relaying calls from the public.

When the 9-1-1 number was inaugurated in Haleyville, Alabama, as the result of an AT&T proposal, it was intended as an easily remembered, no-coin method of reaching the correct law enforcement, fire, and EMS agencies; however, as 9-1-1 procedures are under the control of local agencies, many different policies have developed for the proper use of 9-1-1 since its first use. Today, officials estimate that over 270,000 calls are made to 9-1-1 each day in the United States.

A 9-1-1 system is considered either Basic or Enhanced. A Basic 9-1-1 system provides three-digit dialing, no coin is required from pay telephones, and there is intelligent routing to the Public Safety Answering Point (PSAP) that handles the area where the phone is located. An Enhanced 9-1-1 system adds the ability to display the caller's address and telephone number at the PSAP for the dispatcher's reference. Some 9-1-1 systems also have the ability to automatically ring back the caller on hang up, lock a line open for tracing, or transfer callers to other agencies or telephone numbers with a single button.

Enhanced 9-1-1 Wireless Services One of the chronic problems with 9-1-1 systems is the growing use of cell phones that do not automatically provide a location where the call is being made. To overcome this problem, the FCC established rules for a wireless Enhanced 9-1-1 (E9-1-1). These rules seek to improve the effectiveness and reliability of wireless 9-1-1 service by providing 9-1-1 dispatchers with additional information on wireless 9-1-1 calls. The wireless E9-1-1 program is divided into two parts: Phase I and Phase II. Phase I requires carriers, upon valid request by a local PSAP, to report the telephone number of a wireless 9-1-1 caller and the location of the antenna that received the call. Phase II requires wireless carriers to provide far more precise location information, within 50 to 300 meters in most cases.

The deployment of E9-1-1 requires the development of new technologies and upgrades to local 9-1-1 PSAPs, as well as coordination among public safety agencies, wireless carriers, technology vendors, equipment manufacturers, and local wireline carriers.

FEDERAL COMMUNICATIONS COMMISSION'S RECOMMENDATIONS FOR THE PUBLIC'S USE OF 9-1-1

- Do not program 9-1-1 into your auto-dial telephone. You won't forget the number, and programming the number invites accidental dialing of the number. Also, please do not dial 9-1-1 to "test" your phone or the system. This needlessly burdens the dispatchers and system with non-emergency calls.
- If you live in a region that is subject to natural disasters (earthquake, tornado, hurricane, etc.), pre-plan a method of communicating with family, friends, and relatives before an incident occurs. Choose any emergency contact outside the area that will be affected by the disaster. Make them the relay point for those who want to contact you. After the disaster hits, you can make just one telephone call to your contact, and have that information relayed to all those you care about.
- Dial 9-1-1 only for an emergency. An emergency is any serious medical problem (chest pain, seizure, bleeding), any type of fire (business, car, building), or any life-threatening situation (fights, person with weapons, etc.). Most jurisdictions

also urge citizens to use 9-1-1 to report crimes in progress, whether or not a life is threatened.

- Do not dial 9-1-1 for a non-emergency. Instead, dial the agency's listed seven-digit non-emergency telephone number. A non-emergency incident is a property damage accident, break-in to a vehicle when suspect is gone, theft of property (when suspect is gone), vandalism (when suspect is gone), panhandlers, intoxicated persons who are not disorderly, or cars blocking the street or alleys.
- Do not pick up the telephone and put it down if you don't hear a dial-tone—you'll tie up the telephone network and delay obtaining a line. Stay on the line until you hear the dial-tone. If you hear a fast-busy, all circuits are busy—try again later. If you reach a recording, the telephone system isn't available for your call—try again later.
- In many large cities, 9-1-1 calls are answered by a dispatcher if one is available; however, if all call-takers are busy on other calls, the 9-1-1 call is answered by a call distributor that holds the call, and then automatically routes it to the first available call-taker. Do not hang up if you reach a recording and try to call back. Stay on the line and your call will be answered in order. If you hang up, your call will be delayed because you will be placed at the end of other callers.
- Your 9-1-1 call will automatically be routed to the police, fire, or EMS agency that handles the area where the telephone is located. In general, 9-1-1 calls are answered by the area's law enforcement agency that either handles the call or transfers it immediately to the appropriate agency.
- If you dialed 9-1-1 in error, do not hang up the telephone. Instead, stay on the line and explain to the dispatcher that you dialed by mistake and that you do not have an emergency. If you hang up, a dispatcher will call back to confirm that there is no emergency. If you don't answer, a police officer or deputy must be dispatched to confirm that you are OK. This will needlessly take resources away from genuine emergencies.
- Briefly describe the type of incident you are reporting; for example, "I'm reporting an auto fire," or "I'm reporting an unconscious person," or "I'm reporting a shoplifter." Then stay on the line with the dispatcher—do not hang up until the dispatcher tells you to. In some cases, the dispatcher will keep you on the line while the emergency units are responding to ask additional questions or to obtain ongoing information.
- If your call is answered by a law enforcement agency and you are reporting a fire or medical emergency, the call-taker will transfer your call—stay on the line while the call is transferred. The call-taker who answers will need information about the incident.
- Let the call-taker ask you questions—they have been trained to ask questions that will help prioritize the incident, locate it, and speed an appropriate response. Your answers should be brief and responsive. Remain calm and speak clearly. If you are not in a position to give full answers to the call-taker (the suspect is nearby), stay on the phone and the dispatcher will ask you questions that can be answered "yes" or "no."
- Be prepared to describe your location and the location of the emergency. Although an Enhanced 9-1-1 system will display your telephone number and location, the dispatcher must confirm the displayed address or may ask you for more specific location information about the victim or suspects.

- If you are a cellular caller, your telephone number and location will not be displayed for the dispatcher's reference. You must be able to describe your location so emergency units can respond. Be aware of your current city or town, address, highway and direction, nearby cross-streets or interchanges, or other geographic points of reference.
- Cellular 9-1-1 calls are frequently routed to a central PSAP that could be many miles from your location. Be prepared to give the dispatcher your complete location—city or town, address or location, inside or outside, what floor or room, and so on.
- Be prepared to describe the persons involved in any incident. This includes their race, sex, age, height and weight, color of hair, description of clothing, and presence of a hat, glasses, or facial hair.
- Be prepared to describe any vehicles involved in the incident. This includes the color, year, make, model, and type of vehicle (sedan, pick-up, sport utility, van, tanker truck, flatbed, etc.). If the vehicle is parked, the dispatcher will need to know the direction it's facing. If the vehicle is moving or has left, the dispatcher will need to know the last direction.
- Be patient as the dispatcher asks you questions. While you are answering the dispatcher's questions, the dispatcher is entering or writing down the information. If you are reporting an emergency, most likely a response is being made while you are still on the line with the dispatcher.
- Listen to the dispatcher's instructions for assistance if you are in danger yourself. The dispatcher may tell you to leave the building, secure yourself in a room, or take other action to protect yourself.
- Don't hang up until the call-taker tells you to. Follow any instructions the dispatcher gives you, such as meeting the officers at the door, or flagging down the firefighters at the curb.
- If you are able and have training, apply first aid to any patients who need it. Give the victim reassurance that help is on the way. Secure any dogs or other pets that may interfere with the emergency response. Gather any medications the patient is taking that the medical crew will need to take with the patient.

Source: Federal Communications Commission website.

PROCEDURES FOR ANSWERING 9-1-1 CALLS

Recommended procedures for 9-1-1 calls by Technical Working Group for Eyewitness Evidence (1999) (reformatted).

Policy: As the initial point of contact for the witness, the 9-1-1/emergency call-taker or dispatcher must obtain and disseminate, in a nonsuggestive manner, complete and accurate information from the caller. This information can include the description/identity of the perpetrator of a crime. The actions of the call-taker/dispatcher can affect the safety of those involved as well as the entire investigation.

Procedure: During a 9-1-1/emergency call—after obtaining preliminary information and dispatching police—the call-taker/dispatcher should:

1. Assure the caller the police are on the way.
2. Ask open-ended questions (e.g., "What can you tell me about the car?"); augment with closed-ended questions (e.g., "What color was the car?").

3. Avoid asking suggestive or leading questions (e.g., "Was the car red?").
4. Ask if anything else should be known about the incident.
5. Transmit information to responding officer(s).
6. Update officer(s) as more information comes in.

Summary: The information obtained from the witness is critical to the safety of those involved and may be important to the investigation. The manner in which facts are elicited from a caller can influence the accuracy of the information obtained.

▶ Special Communications Issues

This section discusses special communications issues that occur because of cultural, language, or physical difficulties preventing or hindering communication between a law enforcement officer and a witness, victim, or suspect. Communicating with persons from other cultures or encountering an individual speaking a foreign language has become more common during routine patrol. Officers must be prepared to communicate effectively in our present multicultural environment.

Non-English-Speaking Individuals

On any court day in Los Angeles County, California, there are interpreters available for 78 different languages and yet, there are days when an interpreter is needed for another language. How many languages are spoken in the United States today? According to Sondra Thiederman (2006), there are over 400 distinct languages being spoken in the United States today. If we add to this the fact that languages other than English are spoken in at least 14 percent of all homes, we begin to see the impact that language diversity has on our lives.

The 2010 U.S. Census noted unprecedented changes in the number and distribution of foreign-born people living in the United States. More than 13 percent of the total population—over 35 million people—had been born beyond the nation's borders. Compared to earlier immigrants, these new arrivals tend to be more geographically dispersed. The major port cities of New York and Los Angeles are no longer the favored entry ports, and suburban areas and "second cities" are increasingly common destinations. Suburban areas, in particular, have had to reinvent their public safety and justice delivery systems to incorporate the needs of new immigrants. A law enforcement agency cannot economically afford to provide for interpreters for all possible language situations that an officer may encounter in the field.

As noted in a Vera Institute Report (2006), in a moment of crisis, the inability to communicate with police officers and other members of the criminal justice system can have distressing consequences. According to the report, a large and growing number of immigrants in the United States who have limited English proficiency (LEP) experience this problem regularly as they struggle to describe a perpetrator to a police officer, attempt to defend themselves against accusations, try to follow conditions of probation, or stumble through communications with a parole officer. As a result, many victims fail to report crimes and communication is impaired when a family member or an untrained staff member acts as an interpreter.

When an officer arrives on the scene of a crime or accident and one or more individuals involved do not speak English, the officer is still required to gather information quickly and accurately. Frequently, the officer will turn to other family members or neighbors who

are present and are bilingual. If this occurs, it is important that the officer also include in the report the name and address of the interpreter. There are inherent problems with using family members or neighbors as interpreters because they may not be proficient in both languages and are probably biased.

Survival Spanish

Hispanics are one of the largest minority groups in the United States. The lack of communication between the police and the Hispanic population can have grave consequences. Many Hispanic residents don't report crime because they think the police don't speak their language or they fear being deported.

BISMARCK, NORTH DAKOTA, POLICE STUMPED BY LANGUAGE BARRIER

In 2006, Bismarck, North Dakota, police, in trying to break up a fight at a Chinese restaurant also had to overcome a language barrier. None of the four people involved in the fight spoke English. From what officers could gather, two women, ages 42 and 28, had been arguing, and two men, ages 50 and 38, tried to intervene. The two men apparently started shoving each other. Police contacted three Chinese translators, but the translators could not understand any of the people involved in the scuffle. The four people might have been speaking Chinese dialects that were unknown to the translators. One of the individuals gave a written statement, but it was written in a version of Chinese that no one could read.

WHAT AN OFFICER CAN DO TO BE UNDERSTOOD BY NON-NATIVE ENGLISH SPEAKERS

1. **Talk in a normal volume—do not shout.** Shouting interferes with effective communications because it can intimidate listeners who may already have inadequate feelings regarding their language abilities. Shouting is also demeaning to the listener.
2. **Speak distinctly and at a deliberate pace.** Speaking fast is considered by many as a sign of brightness, but it makes it more difficult to understand what you are saying. Be aware of your speech and carefully enunciate even the most commonplace words.
3. **Allow pauses in the conversation.** Silence is not a sign of failure or lack of communication. Many other cultures regard silence as a demonstration of strength, as a way of communicating respect for what the speaker has just said, and as an opportunity to formulate well-thought-out comments and questions. The Japanese proverb, "He who speaks does not know; he who knows does not speak" exemplifies the perspective found in many Far Eastern countries. Give the listener time to digest what you have said and formulate a response.
4. **Stop and check for understanding frequently.** Do not let too much material go by before stopping to check on whether the listener understands you.
5. **Be precise in your choice of words.** Use words that are simple and easy to understand.
6. **Keep your message simple and short.** Do not use complex or compound sentences. Short sentences are easier to understand.

7. **Avoid idioms, slang, and jargon.** Idioms, slang, and jargon are serious blocks to our ability to communicate across language barriers.
8. **Use positive phrasing when possible.** Sentences with negative phrases are more likely to be misunderstood.
9. **Watch for nonverbal signs.** Nonverbal signals can be helpful in assessing how much has been understood; however, body language is by no means universal throughout the world. The avoidance of eye contact can indicate that the person is not following you, but can also be an indication of respect. When a listener narrows the eyes, stays focused on the speaker, and nods and smiles in appropriate spots, then the individual is generally grasping what you are saying. However, perpetual nodding and smiling that does not relate directly to what you are saying might reflect a desire to please and often indicates very little real comprehension.
10. **Notice a lack of interruptions.** A complete lack of interruptions often means that the material is not being understood.
11. **The absence of questions.** The absence of questions often means that the listener is not grasping what you are saying.
12. **Inappropriate laughter.** Inappropriate laughter is often a sign of poor comprehension.

The reality is that the police do offer services in several languages and do not have the capacity to deport undocumented immigrants. To equip officers with the ability to handle individuals whose primary language is Spanish and who do not understand English, many law enforcement agencies are offering courses of studies in the Spanish language.

Communicating with Deaf or Hard-of-Hearing Citizens

In *Edwards v. City of Houston*, No. H-98-1369 (S.D. Tex. 1995), Edwards sued the City of Houston and contended that when he was questioned by a City of Houston police officer, he was not provided with a sign language interpreter. The officer then arrested him and he was incarcerated at the city jail. Edwards alleges that he was not provided with the effective communication he needed in order to receive life-sustaining medications, and that he was not allowed to use a telecommunication device for the deaf (TDD) to call an attorney or his family. During his first court appearance at the City of Houston municipal court, Edwards alleged that he was not provided with an interpreter. Edwards also alleged that he was not provided a sign language interpreter when he needed to report a criminal act against him. The case was settled by agreement between the parties. As a result of this case, and based on the settlement agreement, the National Association of the Deaf (NAD) developed model policies, in conjunction with the U.S. Department of Justice, and city and county police departments, to ensure that police and sheriff departments take the necessary steps to interact with persons who are deaf and hard of hearing.

Specifically, the settlement agreement provides comprehensive practices and procedures for law enforcement personnel to ensure effective communication with deaf and hard-of-hearing individuals. These model policies apply when police officers and sheriff's deputies receive citizen complaints; interrogate witnesses; arrest, book, and hold suspects;

operate telephone 9-1-1 emergency centers; provide emergency medical services; and enforce laws. The model policies provide for important protections:

- These model policies recognize that law enforcement personnel must take appropriate steps to ensure that persons who are deaf and/or hard of hearing can communicate effectively. This includes the importance of providing auxiliary aids and services and reasonable accommodations when necessary for "effective communication" as required by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and state laws.
- Law enforcement personnel must provide auxiliary aids and services without charge, including sign language interpreters, following notice and request, when necessary to ensure effective communication with deaf and/or hard of hearing individuals.
- Law enforcement personnel must post notices that auxiliary aids and services are available in locations near public entrances and processing areas in the city and county jails, in courthouse buildings, and in pretrial and related offices.
- When law enforcement personnel learn that a person is deaf and/or hard of hearing, they must ask that person whether auxiliary aids and services are necessary to ensure effective communication and will inform the person that these services are available without charge.
- Law enforcement personnel must use their best efforts to provide auxiliary aids and services in a timely manner.
- Law enforcement personnel must conduct interviews, medical screenings, and hearings through sign language with a qualified sign language interpreter when the deaf and/or hard of hearing person's primary means of communication is sign language.
- Persons who are deaf and who communicate in sign language cannot communicate when they are handcuffed. The model policies provide that law enforcement personnel will remove the handcuffs of booked and classified detainees who are deaf to allow for effective communication if the removal of the handcuffs does not result in a direct threat to the health and safety of any person in a jail or cause an undue burden or fundamental alteration of the custodial activity.
- Law enforcement personnel must have TDD available so that equivalent phone service is available at no cost to the deaf person.
- Appropriate training must be provided for law enforcement personnel on the obligation to accommodate and provide auxiliary aids and services.

▶ Computer Systems

The first real-time police computer system in the United States was installed in the St. Louis Police Department in the mid-1960s. The use of computer technology by the police has expanded rapidly since then. A number of factors have fueled this growth. Given the labor-intensive nature of police work and the tradition of devoting only a very small percentage of departmental resources to research and development, interest focused in the 1960s on improving police services by allocating dollars for equipment and technology. Recommendations in 1967 from the President's Commission on Law Enforcement and the Administration of Justice (The Crime Commission) suggested that technology might be an important tool for police work, and federal funding from the Law Enforcement Assistance Administration (LEAA) provided added resources to purchase such equipment (Colton, 1979).

Today, there is an incredible network of computer information available to law enforcement and others. Most officers with computers in their patrol vehicles have available national

databases on individuals, including wanted persons, missing persons, probation and parolee information, and traffic and criminal histories; vehicles, including registered owners; other types of property; and hazardous property. These readily available databases provide officers a primary source of information to assist in making discretionary decisions concerning the handling of criminal suspects, drivers, and witnesses at the scene of an incident.

Along with the easy access of information comes the ability to misuse that information. In one case, a veteran police officer used a police computer to help her drug-dealing boyfriend identify undercover agents posing as drug buyers. The officer would run license numbers to determine if the owner of the vehicle was a police officer or if the car belonged to a law enforcement agency. An audit of the officer's computer revealed that more than 50 uses of the computer were for no apparent legitimate police use (Miller, 2000, 109). In most jurisdictions, the unauthorized use of a computer database by an officer is a crime.

Official Emails

Communicating by email is now more popular than using regular U.S. Mail (snail mail). Unfortunately, many times individuals use official email for unofficial uses.

For example, in 2005 a police officer in Topeka, Kansas, sent an email over the police net to a newspaper columnist criticizing a column that the columnist had written in the local newspaper. The veteran officer with a previously unblemished record was disciplined for his actions in using the police net. Attorneys will tell you that the "e" in email stands for "evidence" because merely deleting the email does not delete all records of it. Generally, the servers that transmit the email and the servers that receive it retain copies in the servers' permanent files. In one case, where Midwestern University was investigating a professor for misconduct, the investigators were able to restore all the emails that the professor had received and transmitted for the previous year, even though the emails had been deleted by the professor.

Never use your email to make jokes or other statements about pending cases or suspects unless you are prepared to explain those comments in court.

In-Car Systems

In most agencies, police use in-car systems to check on license plates and people's criminal records. They also can file incident and arrest reports from their cars. The computers communicate with the police station on a radio network.

In 2006, the police in Keene, New Hampshire, discovered that their in-car computers interfered with a popular donut chain's computers. Officers, when obtaining donuts and coffee at the donut shop's drive-up window, were required to disable their computer modems to avoid interfering with the donut shop's computer system (*Boston Globe*, January 19, 2006, C–1).

▶ Data Communications

Data networks help tie together public safety communications systems from beginning to end. Data networks include the automatic number identification/automatic location identification (ANI/ALI) data arriving with an initial 9-1-1 call for service through the responder's final status code transmission from a mobile data computer.

Data communications started with the World Wide Web; now it pervades our homes, offices, and even vehicles. The Internet and private networks are powered by a suite of protocols known as the Transmission Control Protocol/Internet Protocol (TCP/IP). TCP/IP connects physical components together in standardized ways.

The broad adoption of Internet protocols has also supported the growth of the Extensible Markup Language (XML). XML is the universal language of data communications, particularly for data that crosses system and jurisdictional boundaries.

Summary

- Communication encompasses three essential elements: it is a process, not an isolated event; it involves at least two persons; and its primary purpose is the exchange of information.
- Communication is not an isolated event in that it requires at least five basic steps: the transmitting of an idea or information, the sending of the idea through a medium, receiving the message, understanding of the idea, and providing feedback to the sender.
- The concept of transmitting an idea implies the formation of one or more thoughts and the desire to express these thoughts.
- Communication cannot occur in a vacuum. There must be at least two people involved.
- The primary purpose of communication must be to transmit information.
- Communication within a law enforcement agency may be horizontal, downward, or upward. Communication may also be considered as formal or informal.
- Police officers speak a unique language—one that is often considered by others as slang. Police jargon or slang serves a useful purpose. It helps communicate concepts unique to law enforcement more efficiently to other officers. The biggest handicap with the use of jargon is that it is often used when an officer is dealing with members of the community at large who may not understand the jargon.
- Most law enforcement agencies use at least three or more radio frequencies. The three common frequencies are the primary channel, an administrative channel, and a car-to-car channel. Some larger police agencies use over 100 frequencies and many of their police divisions, bureaus, and specialized units have their own channels.
- A **radio wave** is the basic building block of radio communications. The entire pattern of a wave, before it repeats itself, is called a cycle. The number of cycles, or times that a wave repeats in a second, is called frequency. Frequency is measured in the unit hertz (Hz), referring to the number of cycles per second.
- The **radio spectrum** is the complete range of frequencies from approximately 30 kHz up to more than 300 GHz that can be used for radio communications. Frequencies are often grouped in ranges called bands. Bands of interest to public safety include HF (high frequency), VHF (very high frequency), UHF (ultra high frequency), and most recently SHF (super high frequency). The Federal Communications Commission (FCC) regulates use of the non-federal spectrum, including that used by state and local public safety agencies.
- Listening and talking on the radio are acquired skills that take practice to become proficient. Keep your radio traffic professional. Each officer with a radio is assigned a call sign. Use the call signs rather than an officer's name.
- Most law enforcement agencies use a code system as a shorthand method of transmitting information. The 10-code is the most widely used system. It is also the code adopted by the Association of Public Safety Officers.
- Police agencies generally use identification designations for call signs.
- When an officer arrives at the scene of a crime, one of the officer's first responsibilities is to broadcast information about the crime to dispatch and other patrol units.
- Most citizens contact the police by telephone. Agencies generally have set policies for answering telephone calls. In the larger agencies, the telephones are usually answered by a dispatcher. In the smaller agencies, officers often provide relief assistance for the dispatcher. The general rule is that each call will be handled in an efficient and proficient manner.
- The 9-1-1 system is used for emergencies and a different line is for non-emergencies; however, many emergency calls are received on non-emergency lines. 9-1-1 is the official national emergency number in the United States and Canada. The 9-1-1 network is also part of the nation's emergency response and disaster preparedness system. Although the term 9-1-1 has come to mean the entire public safety communications system, in fact, it's simply a dedicated telephone system for relaying calls from the public.
- Communicating with persons from other cultures or encountering an individual speaking a foreign language has become more common during routine patrol. Officers must be prepared to communicate effectively in our present multicultural environment.

Classroom Discussion Questions and Activities

1. The police in New Jersey stop two different drivers after the police had randomly checked their license plate numbers. The lawyer representing both drivers claims that unrestricted use of computers in police cars to check on vehicle registration and driving records is an unreasonable search and seizure. The New Jersey Attorney General's office asserted that the computers are a valid crime-fighting tool and using them is not an illegal search. All vehicles entering or leaving the City of London or British seaports are being watched by robot automatic number plate scanners, which feed the data to the Police National Computer (PNC) in Hendon. The PNC replies within five seconds if the vehicles are "of interest" to police. Should there be restrictions on such police activities? If so, what should they be?
2. Should law enforcement agencies attempt to eliminate the use of jargon by their officers?
3. Should citizens be allowed to monitor police radio communications?
4. Go on the Internet and listen to a police department scanner. You can access and listen to the New York Police Department general radio traffic or other major police departments at an Internet police radio scanner.

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CHAPTER OUTLINE

- Introduction
- Gangs
- Hispanic Gangs
- Female Gangs
- Indian Country Gangs
- Outlaw Motorcycle Gangs
- National Gangs
- Gang-Related Issues
- Drug Enforcement
- Focus on Drugs and Alcohol: Some Definitions
- Drug Legislation
- Alcohol-Related Offenses
- Solutions to Drug and Alcohol Abuse
- Drug Testing of Police Officers
- Gangs and Drugs
- Summary

11 Gangs and Drugs

OBJECTIVESS

After completion of this chapter, you should be able to do the following:

- *Discuss the history of gangs.*
- *Identify the role gangs play in the community.*
- *Understand why individuals join gangs.*
- *Identify the role that gangs play in crime.*
- *Discuss the problems that face our society as a result of drugs and alcohol.*
- *Distinguish between the crimes of possession, possession for sale, and sale of controlled substances.*
- *Be able to list the different types of alcohol-related crimes.*

▶ Introduction

This chapter will cover both gangs and illegal substance abuse. Although they are two separate topics, because gang members are generally involved in the illicit drug trade as users, distributors, or pushers, there is considerable overlap in the two topics. This does not imply that trafficking in illegal drugs necessarily includes gangs. Patrol officers generally deal with both gangs and substance abuse on a daily basis. Also included in this chapter are discussions on solutions to the substance abuse problems, alcohol-related crimes, and the drug testing of police officers. While criminal street gangs remain involved in the illicit drug trade, they are also engaged in a wide range of other crimes such as vandalism, auto theft, assault, drive-by shootings, human trafficking, robbery, and murder.

▶ Gangs

Gang membership continues to expand and pose significant threats to public safety in communities across the United States. The FBI reports that many gangs involved are sophisticated criminal networks with members who are violent and engage in the distribution of large-scale quantities of drugs and other illegal activities. Moreover, gangs have increasingly become more violent in recent years. They are responsible for nearly one half of all violent crimes in most jurisdictions. Major cities typically experience the most violent gang-related crime. Police officers should always use extreme caution when coming in contact with known or suspected gang members.

What constitutes a criminal gang? Generally, a gang is a group of individuals (usually three or more), who engage in criminal activities and identify themselves with a common name or sign, and share common symbols, tattoos, or graffiti, or style of dress. While each jurisdiction will have specific criteria that are used for documenting an individual as a gang member, generally that criteria will include one or a combination of the following:

- The individual admits to membership in a gang to a law enforcement officer.
- The individual has been arrested while participating in a crime with known gang members.
- The individual has been identified as a gang member by a reliable informant.
- The individual has been seen associating with documented gang members.
- The individual has displayed symbols and or hand signs representing a gang.
- The individual frequents a gang area.
- The individual wears gang dress specific to their gang.
- The individual is known to have gang tattoos.

Gangs have evolved from localized criminal organizations to international criminal enterprises competing for control of sophisticated criminal schemes, often with the threat or use of violence. According to the U.S. Department of Justice, gangs are increasingly engaging in nontraditional gang-related crimes such as alien smuggling, human trafficking, and prostitution. Gangs are also increasingly involved in white-collar crime such as counterfeiting, identity theft, and mortgage fraud. They have become transnational criminal organizations and compete with many other criminal organizations. There are nearly 1.5 million gang members belonging to 33,000 gangs in the United States. In recent years the number of gang members has increased close to 40 percent.

Police officers should recognize that there are many factors that go into an individual's journey into a gang; however, a significant factor is a sense of belonging that many

youth seek out and find in a gang. As the traditional family continues to change, young people seek a sense of belonging. For many youth, a gang becomes a new family for them. Unfortunately, the values taught by the gang include aggression, brutality, and violence. Police officers should make efforts to identify youth on their beats who are living in unsupervised home environments and other risk factors such as access to drugs, availability of illegal firearms, and association with delinquent peers, and the like. These youth are at a greater risk of not only joining a gang but also engaging in other criminal activity. Police officers should make use of all available resources in the community in an attempt to keep the youth out of a gang.

Stephen Johnson, a senior policy analyst for Latin America, stated that most gang trouble starts with unstable neighborhoods. Johnson says that broken homes, violent role models, and access to drugs feed gang growth. Johnson (2005) concludes that:

- Youth living where acquaintances were in trouble with law enforcement were three times more likely to join gangs.
- Children living in single-parent families with other adults were three times more likely to join gangs than children living in two-parent families.
- Youth with low academic achievement were more than three times as likely to join gangs.
- Poor academic performance and low commitment to school correspond to gang membership.
- Youth who used marijuana frequently were almost four times as likely to join a gang as youths who did not use marijuana or who only experimented with it.
- Youth who engage in early violent behavior were more than three times as likely to join gangs.

There are regional differences in gang structure and activities. The larger cities typically have more gangs, larger gangs, and gangs that have been in existence for longer periods of time. The large cities also tend to have gangs that are more involved in serious criminal activity, are more highly organized, and have a more identifiable leadership structure. Delinquent gangs are more common in smaller cities and tend to be more loosely organized, with ephemeral leadership. The smaller cities' gangs are generally newer and lack historic roots. Delinquent gangs appear to be the most typical among Southeast and Midwest cities. In the Western States, violent gangs are the most common. Income-generating gangs (including drug-dealing gangs) are reported most commonly in the Northeast (Reed & Decker, 2002, 43).

WHY DO YOUTH JOIN GANGS

- Youth join gangs for protection, enjoyment, respect, money, or because a friend is in a gang.
- Youth are at higher risks of joining a gang if they engage in delinquent behaviors, are aggressive or violent, experience multiple care taker transitions, have many problems at school, associate with other gang-involved youth, or live in communities where they feel unsafe and where many youth are in trouble.
- Youth join gangs for belonging.

SIGNS THAT YOUNG PEOPLE MAY BE INVOLVED IN GANG ACTIVITY

- Skipping school.
- Hanging out with persons known to be gang members.
- Hanging out in certain places known as gang hangouts.
- Spray-painting graffiti.
- Using hand signals with friends, which can indicate gang affiliation.
- Wearing clothing of the same color (gangs typically dress alike). Some gangs no longer wear their colors publically in order to avoid attracting law enforcement attention.
- Rolling up pant legs a certain way.
- Wearing tattoos that depict gang symbols.
- Drug and alcohol use, which is a characteristic of gang members.

Anti-Gang Tactics

Law enforcement approaches to controlling gang problems vary among communities. Many agencies have integrated **anti-gang tactics** into community or problem-oriented approaches to gangs. The anti-gang tactics include mediation, situational crime prevention, working with families, and other strategies (Reed & Decker, 2002, 66). Many researchers, including Klein (1997), contend that anti-gang tactics that involve only law enforcement will solidify gangs by increasing cohesion among gang members. It appears that policing strategies are most effective when teamed with intervention programs, such as providing economic opportunities, job training, remedial education, and other services and community involvement (Reed & Decker, 2002, 66–67). These diverse strategies may be necessary to deal with highly versatile and adaptive gangs.

anti-gang tactics Tactics targeted to reduce gang problems, which includes mediation, situational crime prevention, working with families, and other strategies.

Anti-Gang Legislation

Most states have found traditional criminal law to be adequate in prosecuting most of the crimes committed by gang members (ILJ, 1994); however, some gang-related offenses, like drive-by shootings, also are not adequately covered. Many states have enacted new statutes that target criminal street gang activity.

Subject matter state statutes that have been enacted since the 1960s in efforts to control gangs or were promoted as anti-gang legislation include:

- Possessing a dangerous weapon on school property or in a vehicle at school.
- Discharging a firearm out of a motor vehicle.
- Aiming a firearm at a human being or discharging a weapon where a person might be endangered.
- Imposing an additional penalty for the procurement or solicitation of a minor to commit certain violations as an agent.
- Establishing additional penalties for committing certain violations at or near schools, school bus stops, or recreational facilities for minors.
- Creating penalties for felonies committed on a school bus.
- Increasing the penalty for felonies committed to promote activities of a criminal gang (referred to as the "gang sentencing enhancement statute").

The primary federal statutes used to prosecute street gangs are:

- The Racketeer Influenced and Corrupt Organizations (RICO) Act.
- The Continuing Criminal Enterprise (CCE) statutes that are part of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

These two acts are designed to attack the conspiratorial nature of gangs and require prosecutors to present evidence of multiple criminal acts committed by various gang members to establish a pattern of criminal activity by the gangs. For RICO prosecutions the prosecutor must establish evidence of racketeering acts, known as predicate acts.

RICO predicate act A basic criminal act; it can include any substantive criminal act such as illegal drug distribution, fraud, theft, or illegal gambling.

A **RICO predicate act** can include any substantive criminal act such as illegal drug distribution, fraud, theft, or illegal gambling. In addition to establishing the predicate act or acts, the prosecutor must also establish that the enterprise (company or gang) was involved in the activities that resulted in the criminal acts being committed. An advantage of prosecuting a gang and its members under RICO is that the prosecutor, in establishing the predicate acts, can show the full range of the gang activities, whereas if the gang members were prosecuted for a distinct crime, such as murder, the prosecutor would be limited in presenting evidence of other crimes committed by the gang. Accordingly, a prosecution under RICO allows the prosecutor to convey a clear overall picture of a gang's criminal activity. Prosecutions under the CCE statutes are very similar to the RICO prosecutions, with the additional requirement that the predicate acts must be in violation of a substance abuse statute. RICO also has provisions for civil actions to obtain forfeitures of gang property.

Gang Prosecution

Anti-gang legislation helps prosecutors in plea-bargaining negotiations. By requiring a prison sentence and a doubling of the prison term, the threat of conviction under a gang sentencing enhancement statute is a powerful inducement to encourage a defendant to enter a guilty plea. In addition, the threat of a gang sentencing enhancement conviction is often brought up in a subtle, less direct manner in plea bargaining negotiations.

Many cities and counties have established special gang prosecution units. A typical unit is the Clark County, Nevada, Gang Prosecution Unit, which is designed to reduce the level of gang violence in the community (Las Vegas) and to enhance communication among law enforcement agencies (federal, state, county, and school police), prosecutors' offices, community-based organizations, probation departments, schools, community leaders, and family members of gangs and potential gang members. The Clark County unit uses both a proactive and reactive approach to increase gang intelligence and investigation.

The unit works closely with the Special Enforcement Detail of the Las Vegas Police Department to compile information on currently active gang members and associates in the community. The gang prosecution staff meets regularly with this police unit to discuss use of particular informants, constitutional issues, and victim/witness support resources (Reed & Decker, 2002, 177).

The Clark County unit adopted the following tactics to achieve its goals:

- Using a computerized gang offender-based tracking system to monitor gang activity.
- Prosecution of gang-related crime through vertical prosecution. (Vertical prosecution is where the same team of prosecutors takes the case from start to finish.)
- Taking a "team approach" to improve interagency coordination of gang intelligence and facilitate multijurisdictional investigations.
- Monitoring parole and probation for gang members to facilitate revocations for offenders who continue to participate in gang-related activities.

- Establishing a gang hotline through the Las Vegas Metropolitan Police Department to increase gang intelligence and contact with victims and witnesses of gang activity.
- Establishing a victim/witness protection program that provides physical security against potential threats and violence by gang members.

▶ Hispanic Gangs

Hispanic gangs in the United States are by no means new to police authorities. Traditional Hispanic gangs tended to be territorial-, turf-, and neighborhood-based street families. Traditional Hispanic gangs were in many cases generational. That is, young people join the same gangs that their parents or grandparents belonged to; however, the drug wars in the 1980s and the transnationalization of the modern drug trade after the 1990 have caused substantial changes in the traditional gang cultures (Etter, 2012).

Prominent Hispanic Gangs

The National Gang Assessment Report provides a comprehensive overview of Hispanic gangs. That information remains relevant today. The material in the following section was taken directly from the 2005 assessment and provides an overview and brief history of prominent Hispanic Gangs.

Sur 13 During the 1980s, California street gangs were divided into Sureños (Southerners) and Norteños (Northerners)—umbrella terms for Hispanic street gangs in California. These terms are used to distinguish whether the gang is from the northern or southern part of the state. Southern gangs are closely associated with the Mexican Mafia and often use the number 13 in their gangs and tagging, as M is the thirteenth letter of the alphabet.

As various southern California gang members migrated from the state, many began to unite under the name Sureños. Additionally, as a result of the gang's close connection to the Mexican Mafia, the group retained the use of the number 13 in its name; thus, as gang members began to appear in the Southwest and on the East Coast, they referred to themselves as both **Sur 13** and Los Sureños.

Sur 13 Southern gangs that are closely associated with the Mexican Mafia and often use the number 13 in their gangs and tagging, as M is the thirteenth letter of the alphabet.

It is important to note that hundreds of Hispanic gangs identify with the Sureños philosophy and use the number 13 as part of their gang identifiers. The presence of the number 13 does not necessarily indicate affiliation with the Mexican Mafia. Claiming Sureños merely indicates that the gang resides or originated in southern California; in some cases the gang may not be from southern California, but simply identifies with the Sureños gang style. Many Sureños gangs are rivals of each other; for example, Florencia 13 is a Sureños gang, but is an enemy of MS-13 in some areas.

Northern California street gangs are considered Norteños and use the number 14, as N is the fourteenth letter of the alphabet. Norteños gangs are rivals of Sure–o gangs, but just as Sureños gangs are not all aligned with each other, Norteños gangs are not necessarily aligned with other Norteños.

California is redefining the ways that law enforcement traditionally considers Norteños and Sureños alliances and rivalries. After observing increasing numbers of Sureños gangs from southern California migrating to northern California, law enforcement noted the following trends:

- Local northern California gangs, typically in conflict with each other over drug trafficking and territorial issues, are now collaborating in order to resist the Sureños gangs migrating from the South.
- The Sureños migrating from the South are conflicting with their counterparts who reside in northern California because they believe they are more like Norteños than Sureños.

- Hispanic gangs in northern California are negotiating with an outlaw motorcycle gang to acquire drugs in exchange for allegiance against another OMG, which has aligned with southern Hispanic gangs.

In light of these trends, law enforcement must recognize that the terms Norteños and Sureños are no longer sufficient to describe California street gangs. When documenting gang members in their local areas, law enforcement must deliberately note not only an individual's gang affiliation, but also where the individual is from and the gang's local allies and rivals.

MS-13 A primarily El Salvadoran street gang that originated in Los Angeles in the 1980s.

Mara Salvatrucha (MS-13) **MS-13**, a primarily El Salvadoran street gang, originated in Los Angeles in the 1980s. Since then, the gang has successfully migrated from southern California to the East Coast, establishing a significant presence in Virginia, Maryland, North Carolina, and New York. MS-13 formed in the Rampart area of Los Angeles, which was heavily populated by Mexican-American gangs. After being constantly victimized by the dominant Mexican gangs, El Salvadoran immigrants banded together for protection, thus enlarging their membership and force. The group called itself Mara Salvatrucha, or MS, and as it grew in size, it aligned with the Mexican Mafia under the Los Sureños umbrella. Once aligned with the Mexican Mafia, the group incorporated the number 13 in its name. MS-13, while maintaining independent leadership and organization, remains affiliated with the Mexican Mafia.

18th Street A Hispanic gang formed in the 1960s, composed of individuals with mixed racial backgrounds.

18th Street **18th Street**, formed in the 1960s, is a Hispanic gang composed of individuals with mixed racial backgrounds. One of the largest and oldest Hispanic gangs, 18th Street's acceptance of immigrants and its lack of racial barriers enabled this group to grow and expand substantially. Originating in Los Angeles, the gang has migrated up the West Coast and over the Midwest to the East Coast. 18th Street is calculated in its expansion and recruitment, reportedly recruiting in elementary and middle schools. It is also known to have counterparts in Mexico and throughout Central America. 18th Street is known to maintain ties with the Mexican Mafia on the West Coast and to have rivalries with MS-13.

Latin Kings A Hispanic gang, also known as the Almighty Latin King Nation (ALKN), formed in Chicago in the mid-1960s.

Latin Kings The **Latin Kings**, also known as the Almighty Latin King Nation (ALKN), formed in Chicago in the mid-1960s. In the 1980s, after a lengthy power struggle with members of the Chicago faction, the Connecticut- and New York-based Latin Kings chapters separated and formed the Almighty Latin Charter Nation and the Almighty Latin King and Queen Nation (ALKQN), respectively. Both regional factions have operated autonomously from the Chicago faction and abide by their own constitutions. State contingencies generally exercise allegiance to one of these three major factions. Gang membership consists predominately of Puerto Rican males, although individuals of other ethnicities—including Spanish, Portuguese, Italian, and South American—are allowed to become members. The Latin Kings have regional chapters across the Midwest, the East Coast, the central states, Texas, and California, with an estimated 25,000 to 50,000 members nationwide and nearly 20,000 members residing within Chicago alone. In particular, the New York, New Jersey, and Connecticut regions are hotbeds for Latin Kings activity, including drug-related crime and bitter gang turf wars.

Identifying and Distinguishing Hispanic Gangs

The ability to identify and distinguish Hispanic gangs and cliques creates a unique challenge for law enforcement; however, it is essential for anticipating criminal activity and rivalries, as well as for preventing gang expansion and recruitment; for example, while Sur 13 and MS-13 street gangs use similar identifiers in their tags and tattoos, the gangs differ greatly in composition, typical *modus operandi*, and allies and rivals. To effectively target and dismantle violent criminal enterprises, law enforcement officials must be aware of the subtle differences between these groups.

Gang Coordination and Alliances

Recent information suggests that law enforcement officials are seeing an increased effort on the part of some Hispanic gangs to organize their members into a criminal enterprise. The different ALKQN cliques in the New York area came together several years ago under one leader in New York and attempted to align with one of their largest rivals, the Bloods. More recently, information gleaned by law enforcement indicates that MS-13 clique leaders from the United States and Central America have been holding meetings in an attempt to coordinate all MS-13 members under one leadership umbrella. There has also been some speculation that MS-13 leaders would like to bring 18th Street and MS-13 together to become the strongest Hispanic gang in Central America and the United States. Recent violence occurring between MS-13 and 18th Street, and within the gangs themselves in several jurisdictions, indicates that attempts to align the two gangs have not yet been successful.

Although some Hispanic gangs have developed extensive networks, most Hispanic gangs are not coordinated. Hispanic gang behavior in one jurisdiction may not carry over to another. Members adapt to the area in which they operate, and this may differ from location to location.

▶ Female Gangs

Note: The material for this section was taken directly from the National Gang Threat Assessment Report (2005).

Young women continue to take active roles in gangs. Although the number of female gangs is increasing, street gangs are still predominately made up of males. The responsibilities of females in gangs are evolving. While they continue to assume the traditionally subordinate functions of providing emotional, physical, and sexual support to male gang members, females are taking more active roles in gangs, as some female gang members have graduated from affiliate status to membership.

This elevation in status also involves an elevation in risk. Females now assist in the movement of drugs and weapons for male gang members and gather intelligence from rival gangs. Others are committing drug sales, robberies, assaults, and drive-by shootings on behalf of male gang members. Respondents to the 2005 National Gang Threat Assessment Survey reported that female gang members in their jurisdictions most often:

- Assist male gang members in committing crimes.
- Carry drugs and weapons and provide safe houses for contraband.
- Commit assaults and larcenies and intimidate other female students in schools.
- Engage in prostitution.
- Engage in drug sales, vandalism, and credit card and identity theft.

Although female gang members can be just as violent as their male counterparts, violence committed by female gang members is still relatively low compared to that of male gang members. One Chicago-based study found that although females in gangs may fight as much as males, they use weapons less frequently and are less likely to kill. A large number of fights and assaults involving female gang members occur within the school setting.

Some females commit violent crimes to gain status and prove themselves worthy of the gang; however, male gang members rarely grant women the same power or status as men in the gang. There have also been numerous reports of females being sexually exploited by males within the gang. Female gang members are often "sexed in" (rather than "jumped

in") to the gang, an initiation ritual that involves sex with several gang members, often for an extended period of time.

Although female gang membership in male-dominated gangs is increasing, the prevalence of predominately female gangs continues to be a rare phenomenon. Female gang members are generally more inclined to commit property crimes and drug offenses, and most of their assaults and fights occur within a school setting and without weapons.

Although female gang members commit relatively little violent crime, violence among girls in gangs is on the rise, and law enforcement should be concerned about their increasing brutality and their roles as weapons carriers. Traditionally, female gangs have received less attention from researchers and law enforcement, and most efforts have focused on intervention programs designed to provide an alternate refuge for girls attempting to escape abusive environments. Furthermore, law enforcement officials are less likely to recognize or stop female gang members, and they have experienced difficulty in identifying female involvement in gang-related activity.

▶ Indian Country Gangs

Note: The material for this section was taken directly from the National Gang Threat Assessment Report (2011).

The consistent growth of the gang subculture as a national phenomenon has touched communities of every size across the country. While still perceived by some to be an urban social problem, gang activity has steadily affected parts of the country that were once believed to be immune from this behavior. Such is the case with Indian Country and the emergence of the gang subculture not only on reservations across the country, but among certain urban-based Native Americans as well.

Although most youth in Indian Country are not involved in gang activity, those who are involved tend to be young, primarily between the ages of 12 and 24. These youth become involved in gangs either by connecting to existing gang structures or by starting their own gang sets. Gang behavior is more about group cohesiveness, predatory activities, and a party atmosphere than it is about organized criminal behavior with a profit motive.

Most gangs in Indian Country are small and autonomous. Structurally, leadership tends to be decentralized, with collective decisions being the common theme. Although some of these gangs will claim turf, gang alignment tends to revolve around which gang is perceived to be the most influential at any given time.

Native American gang members, operating on numerous reservations throughout the United States, are emulating Hispanic gangs such as the Barrio Aztecas, Norteños, and Sureños; African-American gangs such as the Bloods and Crips; and predominately Caucasian gangs such as the Juggalos. Some gangs, such as the Native Mob and Native Pride, which primarily operate in North Dakota, Minnesota, South Dakota, and Wisconsin, formed in the prison system and then expanded to reservations, according to NGIC reporting. Although most gangs in Indian Country are disorganized, lack significant structure and ties to national-level gangs, and are incapable of attaining control over large geographic areas or populations, some are involved in serious crimes and violent activities and utilize Indian Reservations to facilitate and expand their drug operations.

The growth of gangs on Indian Reservations is heavily influenced by the urban gang culture and media attention. Gang members on Indian Reservations often emulate national-level gangs and adopt names and identifiers from nationally recognized urban gangs. However, emulation is most often limited to identifiers—colors, signs, symbols, names—and leadership structure is often loosely organized or absent.

▶ Outlaw Motorcycle Gangs

Note: The material for this section was taken directly from the National Gang Report (2015).

Outlaw motorcycle gangs (OMGs) have been in existence for more than 50 years. The growth of OMGs and their increasing criminal endeavors have made them the subject of numerous criminal investigations by law enforcement. These criminal activities include, but are not limited to, murder, assault, kidnapping, prostitution, money laundering, weapons trafficking, motorcycle and motorcycle-parts theft, intimidation, extortion, arson, and the production, smuggling, transportation, and distribution of drugs. While drug trafficking is still the primary source of income for OMGs, the other criminal activities represent an increasing source of funds.

Each of the **major outlaw motorcycle gangs**—the Hell's Angels, Bandidos, Outlaws, and Pagans—has been identified as being involved in murder, bombings, extortion, arson, and assault. The Hell's Angels, Bandidos, and Outlaws have also been involved in weapons trafficking, prostitution, money laundering, explosives violations, motorcycle and motorcycle-parts theft, intimidation, insurance fraud, kidnapping, robbery, theft, stolen property, counterfeiting, and contraband smuggling.

major outlaw motorcycle gangs The Hell's Angels, Bandidos, Outlaws, and Pagans. These gangs have been identified as being involved in murder, bombings, extortion, arson, and assault.

Outlaw motor cycle gangs (OMGs) recruit mainly from fellow motorcycle enthusiasts and from the U.S. biker community at large. Larger OMGs often have proxy gangs or support clubs, which account for the vast majority of OMG recruits. Some larger OMGs require smaller motorcycle gangs or sport bike clubs to wear support patches. These OMGs demand monthly payments from each motorcycle club or sport bike club member in exchange for their use of support patches. Refusal to wear a support patch results in violence. Accordingly, membership in an OMG is an extremely violent existence marked by frequent assaults by rival gangs and intra-gang aggression.

Recently there has been reporting of OMG members retaining employment in various white-collar professions. Accordingly, many OMG members are business owners. Many of the businesses owned by OMG members involve manual labor, which perpetuates the myth that OMGs are typically blue-collar workers. Businesses owned by motorcycle gang members predominately involve the service industry, such as motorcycle repair shops and tattoo shops. In some instances, OMGs use their businesses to facilitate criminal activity.

▶ National Gangs

Note: The material for the section was taken directly from the National Gang Threat Assessment Report (2011).

This section contains brief descriptions of the gangs that are considered to be national gangs. While every gang could not be included due to page limitations, a few of the more well-known gangs are discussed.

Crips

The Crips, one of the largest gangs in the United States, was founded in Los Angeles during the late 1960s. Their membership consists primarily of African-American males but in the 1980s, as the gang expanded across the United States as a result of the drug wars, some Whites, Native American and Asians were admitted. In a few areas (i.e., Little Rock, Kansas City, Omaha, Memphis, etc.), females have been admitted (Etter, 2012). The average age of gang members is traditionally believed to be 12–25, but some Pee Wee groups have admitted members as young as 7 or 8. Older members are present in many areas as the gang members tend to stay in the gang.

According to Etter (2012) the Crips have a loose organization that does not openly acknowledge a single leader. An individual Crip group is called a set and usually ranges in membership from 10 to 40. Sometimes the Crip sets are allies, sometimes they fight among themselves. The Crips are loosely allied with the Folk Nation gangs in Chicago. In some areas of the country they compete for drug trade turf.

The Crips primary color is blue. This is often traced to the Washington High School colors in South LA. Grape Street Crips favor purple and some sets like Spooktown Crips use brown, Asian Boy Crips use yellow. Crips often wear blue bandannas and do-rags or other articles of blue clothing. They use the letter "c" in place of "b" in writing in disrespect for the Bloods. Crips are fond of calling each other "Cuzz" and calling themselves "Blood Killas" (BK). A sign of disrespect toward Crips is the word "Crabs."

Bloods

The Bloods were founded in Los Angles in the late 1960s. The Bloods are believed to be founded as a reaction to the formation of the Crips. As a result of drug trafficking, they quickly expanded across the United States throughout the 1980s. Membership is primarily made up of African-American males, however, as the gang expanded to the East Coast, other races and ethnicities, and in some cases females, were recruited to join the gang. The age of a Blood is believed to range from the early teens and to the mid-twenties. In some cases members have been admitted to the gang as young as seven or eight (Etter, 2012).

Similar to their rival gang the Crips, the most common identifiers of Blood gang members are colors, clothing, tattoos, and jewelry. Most Bloods wear the color red; for example, they typically wear red bandannas or do-rags and other articles of red clothing when they "Flame up." Tattoos favored by Bloods include a burned upside down triangle on upper arm consisting of two burned dots over a single dot signifying a dog's paw, a tattoo of a dog (usually Mack Truck Logo), and a tattoo or burn scar of M.O.B. (Member of Blood or Money over Bitches). Bloods will often use the word "Piru" (one of the original Blood gangs) and will refer to each other as Bloods or Dawgs. Bloods will use a crossed out "C" in words as disrespect for Crips. It's not uncommon for Blood members to make their own necklaces made of red beads.

Skinheads

Skinheads have carried out some of the country's most vicious hate crimes in recent memory, from arson to assault to murder. Skinheads are a dangerous white supremacist gang known for their violent attacks on minorities, Jews, and homosexuals. The Skinheads were formed in Great Brittan in the 1960s out of fear that working class whites were being forced out of the job market by the influx of non-white immigrants. Over time, this fear turned into extreme hatred against immigrants and later against other minority groups. Police officers should use extreme caution when dealing with Skinheads or suspected Skinheads. They pose a serious threat to law enforcement. In the 1990s, a Denver, Colorado police officer was killed in the line of duty by a Skinhead.

Skinheads first surfaced in Dallas, Texas, and the Midwest in the 1980s and have subsequently spread throughout the United States. While many street gangs discussed in this chapter are organized around a neighborhood turf, Skinheads don't typically claim a turf. They are often mobile and move around in small groups (called crews). Skinheads are increasingly engaged in criminal enterprise including the sale of guns and/or narcotics.

In recent years, Skinheads have forged ties with other white supremacy groups such as the Ku Klux Klan and other white nationalist groups. Because Skinhead's views and politics have sometimes differed within, they have splintered into several sects. Skinheads represent products of a violent and criminal subculture. Many Skinheads identify with neo-Nazi beliefs about Jews, blacks, and homosexuals. According to the Southern Poverty Law

Center, Skinheads are organized into small, highly mobile crews. They move around frequently and often without warning, even as they network and organize across regions. For law enforcement authorities, this presents a particular problem in responding to crimes and conspiracies crossing multiple jurisdictions. As Skinheads extend their reach across the country, it is important that law enforcement officers who deal with them become familiar with the activities of skinheads nationwide.

Unlike street gangs that carry out violence through drive-by shootings, Skinheads are prone to make their violent attacks personal by beating their victims. The Skinhead wants his victim to see the blows and kicks coming. The Skinhead wants to see the faces of his victims during beatings. For the Skinhead, an intimidating appearance is important. Skinheads typically fashion black or brown lace up boots (often Doc Marten brand), with various colored shoelaces. They sometimes prefer steel toed boots because they are more effective when kicking or stomping their victims. Some Skinheads will tuck their pant cuffs or blouse them in their boots in order to reveal their shoe laces. This also gives off an intimidating appearance which the Skinhead likes. The color of their shoelaces generally has a political meaning; for example, white shoelaces signify white power or white supremacy while red shoe laces signify that they will spill their own blood in the fight for white supremacy. They often shave their heads (thus the name skinheads), or have closed cropped haircuts. Skinheads are known to sport very explicit racist tattoos on their necks, arms, face, and legs, which often include assorted neo-Nazi references. Skinheads will sometimes wear military camouflage trousers and prefer air force style bomber jackets. Many Skinheads will occasionally be seen sporting red suspenders (called braces).

Asian Gangs

Asian gangs, historically limited to regions with large Asian populations, are expanding throughout communities nationwide. Although often considered street gangs, Asian gangs operate similar to Asian Criminal Enterprises with a more structured organization and hierarchy. They are not turf-oriented like most African-American and Hispanic street gangs and typically maintain a low profile to avoid law enforcement scrutiny. Asian gang members are known to prey on their own race and often develop a relationship with their victims before victimizing them.

Somali Gangs

Somali gang presence has increased in several cities throughout the United States. Somali gangs are most prevalent in the Minneapolis-St. Paul, Minnesota; San Diego, California; and Seattle, Washington, areas, primarily as a result of proximity to the Mexican and Canadian borders, according to ICE, NGIC, and law enforcement reporting. Somali gang activity has also been reported in other cities throughout the United States such as Nashville, Tennessee; Clarkston, Georgia; Columbus, Ohio; East Brunswick, New Jersey; and Tucson, Arizona. Unlike most traditional street gangs, Somali gangs tend to align and adopt gang names based on clan or tribe, although a few have joined national gangs such as the Crips and Bloods.

Somalian gangs are involved in drug and weapons trafficking, human trafficking, credit card fraud, prostitution, and violent crime. Homicides involving Somali victims are often the result of clan feuds between gang members. Sex trafficking of females across jurisdictional and state borders for the purpose of prostitution is also a growing trend among Somalian gangs.

Dominican Gangs

The Trinitarios, the most rapidly expanding Caribbean gang and the largest Dominican gang, are a violent prison gang with members operating on the street. The Trinitarios are involved in homicide, violent assaults, robbery, theft, home invasions, and street-level drug

distribution. Although predominately found in New York and New Jersey, the Trinitarios have expanded to communities throughout the eastern United States, including Georgia, Massachusetts, Pennsylvania, and Rhode Island. Dominicans Don't Play (DDP), the second largest Dominican gang based in Bronx, New York, are known for their violent machete attacks and drug trafficking activities in Florida, Michigan, New Jersey, New York, and Pennsylvania.

An increase in the Dominican population in several eastern U.S. jurisdictions has resulted in the expansion and migration of Dominican gangs such as the Trinitarios. This has led to an increase in drug trafficking, robberies, violent assaults in the Tri-state area.

Jamaican Gangs

Traditional Jamaican gangs operating in the United States are generally unsophisticated and lack a significant hierarchical structure, unlike gangs in Jamaica. Many active Jamaican gangs operating in the United States maintain ties to larger criminal organizations and gangs in Jamaica, such as the Shower Posse or the Spangler Posse. Jamaican gang members in the United States engage in drug and weapons trafficking.

Hybrid Gangs

The expansion of hybrid gangs—non-traditional gangs with multiple affiliations—is a continued phenomenon in many jurisdictions nationwide. Because of their multiple affiliations, ethnicities, migratory nature, and nebulous structure, hybrid gangs are difficult to track, identify, and target as they are transient and continuously evolving. Furthermore, these multi-ethnic, mixed-gender gangs pose a unique challenge to law enforcement because they are adopting national symbols and gang members often cross over from gang to gang. Hybrid gangs are of particular concern to law enforcement because members often escalate their criminal activity in order to gain attention and respect.

PRACTICE HINTS

The Tennessee Bureau of Investigation reports that there are approximately 9,000 gang members in a span of 46 East Tennessee counties, including the Tri-Cities. The FBI reports gang activity came into the limelight in 2014 when they, along with local police agencies created the Safe Streets Task Force. The FBI reports that East Tennessee counties have gangs from every major gang operating in the Tri-Cities. Gangs come down as far as Detroit into the Tri-Cities area.

Source: The International Association of Chiefs of Police. (2018). FBI says every gang operating in Tri-Cities area. *The Lead*. Accessed from: thelead@iacp.bulletinmedia.com

▶ Gang-Related Issues

Gangs and the Military

Gang recruitment of active duty military personnel constitutes a significant criminal threat to the U.S. military. Members of nearly every major street gang, as well as some prison gangs and OMGs, have been reported on both domestic and international military installations, according to NGIC analysis and multiple law enforcement reporting. Through transfers and deployments, military-affiliated gang members expand their

culture and operations to new regions nationwide and worldwide, undermining security and law enforcement efforts to combat crime. Gang members with military training pose a unique threat to law enforcement personnel because of their distinctive weapons and combat training skills and their ability to transfer these skills to fellow gang members.

Gangs, Technology, and Communication

Gangs are becoming increasingly savvy and are embracing new and advanced technology to facilitate criminal activity and enhance their criminal operations. Gangs use a number of sites, applications, and platforms to recruit prospects, facilitate communication, target rivals, and to thwart law enforcement efforts. Gang members' utilization of technology, social media in particular, has risen significantly, enabling gangs to more readily further their criminal objectives. Law enforcement reports indicate that gang members are most frequently using Facebook, YouTube, Instagram, and Twitter. Technology is also playing an increasingly pivotal role in police investigations and antigang efforts. Law enforcement authorities are increasingly integrating social media into their gang investigations.

Gangs and Weapons

Gang members are acquiring high-powered, military-style weapons and equipment, resulting in potentially lethal encounters with law enforcement officers, rival gang members, and innocent bystanders. Law enforcement officials in several regions nationwide report gang members in their jurisdiction are armed with military-style weapons, such as high-caliber semiautomatic rifles, semiautomatic variants of AK-47 assault rifles, grenades, and body armor.

Gang members acquire firearms through a variety of means, including illegal purchases; straw purchases through surrogates or middlemen; thefts from individuals, vehicles, residences, and commercial establishments; theft from law enforcement and military officials, from gang members with connections to military sources of supply, and from other gangs, according to multiple law enforcement and NGIC reporting.

Gang members are becoming more sophisticated and methodical in their methods of acquiring and purchasing firearms. Gang members often acquire their firearms through theft or through a middleman, often making weapons trace more difficult.

▶ Drug Enforcement

Illicit drug use continues to pose problems for law enforcement. Moreover, the emerging abuse of powerful prescription opioid pain relievers has resulted in overdose deaths of significant proportions. Police officers increasingly come in to contact persons who have overdosed on opioids. One recent report estimates that there are 115 opioid overdose deaths each day in the United States (Centers for Disease Control and Prevention, 2016).

Ask any police officer and they will tell you, that there is an inherent link between illicit drug use and criminal activity. Many persons who are involved in illicit drug use are also involved in crimes to support their habits. Often these crimes entail burglary and theft. Another emerging link between crime and addiction is organized retail crime. Organized crime syndicates steal from stores and then set up online storefronts to sell their merchandise (Boehnke, 2018). They often use addicts to sell their illicit merchandise for cash or drugs.

"We have witnessed the lost promise of a child who becomes addicted to drugs and their failure to mature into a productive member of society. Even worse we have viewed the pain and anguish on the faces of parents who have lost a loved one to a drug overdose."

—Chief Michael J. Caroll, President, International Association of Chiefs of Police

—Sheriff B.J. Roberts, President, National Sheriff's Association

PRACTICE HINTS

SIGNS AND SYMPTOMS OF AN OPIOID OVERDOSE

During an overdose, slow breathing, which is quite dangerous, causes brain damage or death. It is important for police officers to recognize the signs and act fast. Signs include:

Small, constricted pinpoint pupils

Falling asleep or loss of consciousness

Slow, shallow breathing

Choking or gurgling sounds

Limp body

Pale, blue, or cold skin.

Source: U.S. Department of Health and Human Services, https://www.cdc.gov/drugoverdose

Narcotics

narcotic offenses Drug-related crimes that run the gamut from simple possession of marijuana to the sale of heroin.

Narcotic offenses have been widely publicized in the media. This publicity ranges from multimillion-dollar drug busts to stories of drug overdoses by young children. These crimes are relatively simple to define, but debate rages about both the causes and cures of drug-related offenses. Narcotic offenses run the gamut from simple possession of marijuana to the sale of heroin. Offenders vary from a neighbor supplying marijuana for an afternoon party to a Miami drug lord planning distribution of heroin throughout the United States. Today many segments of our society use or have used narcotic drugs.

Narcotics and their use are not a new phenomenon in our society. Opium was used by such noted physicians as Hippocrates. [Hippocrates was an early Greek doctor who at one time was believed to have written the Hippocratic Oath. This oath pledges service to the patient and establishes high moral and ethical standards for those in the medical profession.] Widespread use of these narcotics led to a serious drug abuse problem in the United States as early as 1924. The use and abuse of drugs has continued since then.

▶ Focus on Drugs and Alcohol: Some Definitions

The following paragraphs describe some of the more common drugs used in our society. It is not intended to cover all the various types of drugs encountered by law enforcement officials. Rather, it should be used as an introduction to the vast array of drugs that are available on the streets of our nation.

Central Nervous System Stimulants

Central nervous system stimulants are drugs that increase the functional state of the central nervous system.

Cocaine is a psychoactive alkaloid produced from the coca leaf. The coca shrub thrives in several regions of the South American Andes. It was first discovered by Albert Niemann of Germany in 1860. It is a very powerful natural drug, the use of which produces euphoria, restlessness, and excitement. Cocaine can be sniffed into the nostrils or injected. The resulting euphoria is short-lived, and heavy users must constantly snort the drug to maintain the feeling. *Speedballing* is the practice of mixing cocaine and heroin for the purpose of obtaining a distinct high. *Freebasing* refers to the conversion of street cocaine

to freebase, or pure cocaine. This substance is then sprinkled on a cigarette or smoked in a pipe. Freebase enters the bloodstream through the lungs, and the high is felt before the smoke is exhaled.

COMMON DRUGS USED IN THE UNITED STATES

Central Nervous System Stimulants

- Cocaine
- Crack
- Amphetamines
- Methamphetamine
- Ice

Central Nervous System Depressants

- Alcohol
- Barbiturates
- Tranquilizers

Hallucinogens

- LSD
- Peyote

Narcotic Analgesics

- Morphine
- Codeine
- Heroin
- Methadone
- Demerol

Phencyclidine Cannabis

- Marijuana
- Hashish
- Hash oil

Crack is refined cocaine that comes in rock form. Crack is of an off-white color resembling pieces of soap. The word "crack" comes from the crackling sound made when it is smoked, or from its occasional resemblance to cracked plaster. The popularity of crack is that it renders cocaine smokable. When smoked, it produces an immediate high.

Amphetamines are synthetic drugs that stimulate the central nervous system. The use of these drugs produces an intense physical reaction, including increased blood pressure, breathing rate, and elevation of mood. Some of the more commonly used amphetamines

are benzedrine, dexedrine, and methedrine. Extended use of this drug can result in exhaustion, anxiety, and depression.

Methamphetamine is a form of amphetamine that has been called the poor man's cocaine. It has various street names including meth, speed, or crystal. It has been produced illegally for decades and may be manufactured in homemade laboratories. It may be injected, inhaled, or taken orally.

Ice is smokable methamphetamine. Ice was initially reported in Hawaii in 1985 and supposedly has become its greatest drug problem. The slang term "ice" was due to the drug's appearance, generally a clear, crystal-shaped form that looks like glass. In some areas this narcotic is also known as *crank*. Ice has the same properties as methamphetamine, but through a recrystallization process, the rocklike crystals can be smoked. The ice form of methamphetamine is highly addictive.

Central Nervous System Depressants

Central nervous system depressants are drugs that decrease the functional state of the central nervous system.

Alcohol refers to ethanol, which is a psychoactive ingredient found in alcoholic beverages. Consumed orally, it produces a wide range of symptoms depending on the individual and the amount ingested. These symptoms can range from euphoria to aggressive behavior.

Barbiturates are defined as barbituric acid derivatives used in medicine as sedatives and hypnotics. Barbituric acid was discovered by Adolf Baeyer in Germany in 1864. Some of the more commonly abused barbiturates are amobarbital (Amytal), known on the street as blues or blue devils; pentobarbital (Nembutal), known as nembies, yellows, or yellow jackets; and secobarbital (Seconal), known as reds, red devils, or Seccy. Barbiturate use can produce a state of intoxication. There may be an initial loss of inhibition, euphoria, and behavioral stimulation. They may also produce drowsiness and sleep.

Tranquilizers are antipsychotic agents generally used to treat schizophrenia and acute psychosis; however, many lay persons use the term to refer to the benzodiazepine drugs, Librium and Valium. These drugs were originally manufactured to treat various symptoms of anxiety. Their use produces drowsiness, light-headedness, and other impairments of mental and physical activities.

Hallucinogens

LSD is a synthetic drug also known as lysergic acid diethylamide-25. This substance stimulates cerebral sensory centers and promotes a full range of visual hallucinations. The drug may induce feelings of anxiety and panic, and some users have experienced flashbacks even after discontinuing use of the substance.

Peyote is a small cactus that grows naturally in Mexico and the southwestern portion of the United States. It contains *mescaline*, a hallucinogenic substance named after the Mescalero Apaches, who first used it. Peyote produces a wide range of hallucinations including colors, geometric patterns, and out-of-body sensations.

Narcotic Analgesics

Narcotic analgesics are drugs that depress the central nervous system and relieve pain without producing loss of consciousness. The most common narcotics are derivatives of opium. Similar to coca leaves, opium has a long history of use. Long before 4000 B.C., opium was known for its medicinal qualities, and it was used as a narcotic in Sumerian and European cultures 6,000 years ago. Opium is produced from the opium poppy flower. People first learned to smoke opium in China, and the practice quickly spread to many parts of the world.

Morphine is the principle psychoactive alkaloid in opium. It was first produced in 1805 and was named after the Greek god of dreams, Morpheus. Morphine is 10 times stronger than opium and is used by physicians to relieve pain. It produces an elevation of spirits and then drowsiness. Morphine is a highly addictive drug.

Codeine is another derivative of opium that may be used legally under a doctor's orders. It is present in many pain-relieving prescription drugs. It can produce drug dependence of the morphine type and therefore is considered highly addictive.

Heroin was first produced in 1874 by an Englishman, D.P. Wright, and is 25 times stronger than morphine. It is one of the more commonly used drugs in the United States. Users quickly build up a tolerance and must use more of the drug to obtain the same effect. It is sold as a powder and mixed before being injected into the bloodstream. There are numerous forms of heroin: "Mexican Brown" is sold in the western United States and is pink-brown in color. It is usually a fine powder with dark brown flecks. The color may vary from light brown to chocolate. "Persian Heroin" is tan or reddish in color. It is not water soluble; rather lemon juice or vinegar is added prior to cooking in the traditional spoon. "Black Tar Heroin" began appearing in the United States about 1979. This drug is especially desired on the streets because of its purity, about 93 percent. There are numerous street names for Black Tar, including gum, goma, and Mexican Mud.

Methadone is a synthetic drug that is used to assist heroin users in breaking their habit. Some states have established methadone clinics where heroin users may go to obtain the drug legally in lieu of purchasing heroin on the streets. Methadone is considered highly addictive. The withdrawal following extended use of methadone is more prolonged but less intense than that of heroin.

Demerol is a synthetic drug that is used by the medical profession. It is usually administered before and after operations as a method of controlling pain.

Phencyclidine

Phencyclohexyl piperidine (PCP), monohydrochloride, is a synthetic drug. It was first discovered in 1956 by researchers at Parke, Davis, and Company. The PCP sold in the United States is made in illegal laboratories. PCP in its pure state is a clear liquid. In solid form, it is a powder that may be white or have a yellowish or brownish tint. It may act as a depressant, a stimulant, a psychedelic, and a tranquilizer. It also removes the feeling of physical pain. The user's pain threshold is dramatically increased, and therefore traditional police restraints may be ineffective against a person under the influence of PCP.

KEY SUBSTANCE ABUSE TERMS

Cannabis—A group of drugs produced from the leaves of *Cannabis sativa*, including marijuana, hashish, and hash oil.

***Cannabis sativa* L.**—Proper name for the marijuana plant.

Central Nervous System Depressants—A group of drugs that depress the functional state of the central nervous system, including alcohol, barbiturates, and tranquilizers.

Central Nervous System Stimulants—A group of drugs that increase the functional state of the central nervous system, including cocaine, crack, amphetamines, methamphetamine, and "ice."

Crop Eradication—The systematic effort to destroy plants that produce the raw material that is manufactured into a narcotic drug.

Crop Substitution—Effort to motivate farmers in foreign countries to grow domestic food crops for commercial markets instead of poppies, coca bushes, or cannabis plants.

Crucial Alcoholic Phase—Point when the drinker's loss of control becomes complete, there is isolation from others, and life becomes centered around alcohol.

Final or Bottom Alcoholic Phase—Point when a drinker experiences emotional disorganization or impaired thinking.

Hallucinogens—A group of drugs that produce hallucinations, including LSD and peyote.

Intermediate Alcoholic State—Point when an individual who drinks has occasional blackouts coupled with a compulsion to drink and lose control.

Narcotic Analgesics—A group of drugs that depress the central nervous system and relieve pain without producing loss of consciousness, including morphine, codeine, heroin, methadone, and Demerol.

Phencyclidine—A synthetic drug that removes the feeling of physical pain and may act as a depressant, stimulant, psychedelic, or tranquilizer. Also known as PCP.

Prealcoholic Phase—Point when a person has an occasional drink as a means of reducing tension.

Under the Influence—Condition where alcohol or drugs have affected the nervous system, brain, or muscles so as to impair to an appreciable degree the ability to operate a motor vehicle in a manner like that of ordinary, prudent, and cautious persons in full possession of their faculties using reasonable care and under like circumstances.

Usable Form—Substance of a quality and quantity suitable for use as a narcotic.

Cannabis

Cannabis is produced from the leaves of *cannabis sativa*, a weedlike plant that is grown throughout the world. The active ingredient in cannabis is tetrahydrocannabinol (THC). Prolonged use can cause distortion in auditory and visual perception. Small doses produce a "high" or excitement that gives way to drowsiness.

Marijuana is produced from the leaves of cannabis. It is called pot, dope, and other names. Normally it is smoked as a cigarette or in a pipe.

Hashish is a concentrated form of cannabis that is produced from the unadulterated resin from the female plant. It is also called hash.

Hash oil is a liquid form of hashish that is considered a very powerful form of the drug. The concentration of THC in this oil may be as high as 90 percent.

▶ Drug Legislation

Uniform Controlled Substances Act

Almost all states have adopted the Uniform Controlled Substances Act. A typical act, which is based on the Uniform Controlled Substances Act, is the California Controlled Substances Act (referred to as the Act) which is set forth in the California Health and Safety Code (H&S), Sections 11000–11853.

The following definitions are set forth in the Act:

Controlled Substances A drug, substance, or immediate precursor which is listed in any section of the Act (H&S 11007).

Drug

a. Substances recognized as drugs in the official United States Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them.
b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals.
c. Substances (other than food) intended to affect the structure or any function of the body of man or animals.
d. Substances intended for use as a component of any article specified in subdivisions (a), (b), and (c).

Drugs do not include devices or their components, parts, or accessories (H&S 11014).

Marijuana Marijuana means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination (H&S 11018).

Narcotic Drug Narcotic drug means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
b. Any salt, compound, isomer, or derivative, whether natural or synthetic, or the substances referred to in subdivision (a), but not including the isoquinoline alkaloids of opium.
c. Opium poppy and poppy straw.
d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.
e. Cocaine, whether natural or synthetic, or any salt, isomer, derivative, or preparation thereof.
f. Ecgonine, whether natural or synthetic, or any salt, isomer, derivative, or preparation thereof.
g. Acetylfentanyl, the thiophene analog thereof, derivatives of either, and any salt, compound, isomer, or preparation of acetylfentanyl or the thiophene analog thereof (H&S 11019).

Opiate Opiate means any substance having addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability (H&S 11020).

Opium Poppy Opium poppy means the plant of the species *Papaver somniferum* L., except its seeds (H&S 11021).

Schedules

The Uniform Controlled Substances Act divides the controlled substances into five different schedules. Police officers should have some knowledge regarding the differences between a Schedule I controlled substance and a Schedule II controlled substance. Before continuing, let's briefly discuss the concept of classifying controlled substances. You will notice that as you progress up the schedule, the risk for physical and/or psychological dependence greatly increases.

Schedule I controlled substance is any drug that has a high potential for abuse. Schedule I drugs have no known accepted medical use in treatment in the United States. There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Schedule II substances are that that have a high potential for abuse. These substances currently have accepted medical use in the United States and many with significant restrictions. Moreover, these substances may lead to physical or psychological dependence.

Schedule III substances have a potential for abuse but less than those in the Schedule I or II categories. These substances have accepted medical use for treatment in the United States. Abuse of a schedule III substance may lead to moderate physical or psychological dependence.

Schedule IV substances have a very low dependency for abuse. Drugs in this category have accepted medical uses in the United States and abuse may lead to only very minor physical or psychological dependence.

Schedule V substances have a very low potential for physical abuse when compared with schedule IV substances. These substances have accepted medical uses in the United States and abuse may lead to limited physical or psychological dependence compared to Schedule IV substances.

Schedule I Those drugs classified as Schedule I controlled substances are listed in H&S 11054. Substances classified under Schedule I include:

1. Opiates, unless specifically listed in another schedule.
2. Heroin.
3. LSD (lysergic acid diethylamide).
4. Mescaline.
5. Marijuana.
6. Hallucinogenic substances, unless specifically listed in another section.
7. morphine methylbromide.
8. Peyote.
9. Cocaine base.
10. Methaqualone.

Note: This is not a complete list of all Schedule I substances.

Schedule II H&S 11055 contains a list of those substances classified as Schedule II. The list includes:

1. Opium.
2. Codeine.
3. Cocaine, except that classified as Schedule I.
4. Pentobarbital.
5. Morphine.
6. Methadone.

7. Amphetamines.
8. Methylphenidate.

Note: This is not a complete list of substances under Schedule II.

Schedule III Schedule III controlled substances are listed in H&S 11056. The list of Schedule III substances includes:

1. Phencyclidine (PCP).
2. Methaqualone.
3. Barbiturates.
4. Stimulants, unless specifically listed under another schedule.
5. Depressants, unless specifically listed under another schedule.
6. Secobarbital.
7. Lysergic acid.
8. Chorthexadol.

Note: This is not a complete list of substances under Schedule III.

Schedule IV Schedule IV substances are listed in H&S Section 11057 and include the following substances:

1. Veronal.
2. Luminal.
3. Chloral hydrate.
4. Valmid.
5. Placidly.
6. Barbital.
7. Chloral betaine.
8. Pipradrol.

Note: This is not a complete list of substances under Schedule IV.

Schedule V The Schedule V controlled substances listed in H&S 11058 include:

1. Not more than 200 mg of codeine per 100 ml or per 100 g.
2. Not more than 100 mg of opium per 100 ml or per 100 g.
3. Not more than 100 mg of dihydrocodeine per 100 ml or per 100 g.

Reporting Requirements The Act requires certain reports be submitted regarding the manufacture, sale, or delivery of controlled substances. Reports required include:

1. (H&S 11100) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes certain controlled substances shall submit a monthly report to the State Department of Justice of all of those transactions. Those substances include:
    a. Phenyl-2-propanone.
    b. Methylamine.
    c. Ethylamine.
    d. D-lysergic acid.

e. Ergotamine tartrate.
f. Diethyl malonate.
g. Malonic acid.
h. Ethyl malonate.
i. Barbituric acid.
j. Piperidine.
k. *N*-acetylanthranilic acid.
l. Pyrrolinine.
m. Penylacetic acid.
n. Anthranilic acid.
o. Morpholine.
p. Ephedrine.
q. Pseudoephedrine.

2. (H&S 111000.1) Any manufacturer, etc., who receives the controlled substances listed above from outside the state shall make a report of the transaction to the State Department of Justice.
3. (H&S 11103) Reports are required to be made on the thefts or loss of any of the controlled substances listed under Section 11100.

▶ Alcohol-Related Offenses

Until several years ago, alcohol offenses were looked upon as "victimless" crimes, since everyone had a drink now and then. The formation of MADD (Mothers Against Drunk Driving) and the ensuing publicity surrounding the effects of driving and drinking have raised the public's awareness regarding not only "drunk driving" but other alcohol-related offenses. This section will briefly examine some of the more common alcohol-related crimes.

The Alcohol Problem

There is no doubt that we as a society have alcohol-related problems. Surveys have consistently revealed in recent years that over half of all Americans of all demographic subgroups report that they drink alcoholic beverages. Police officers have much contact with persons who are intoxicated and engage in behavior that they normally wouldn't if they had not been drinking. Drinking is at the root of minor disturbances between people, major disorder outbursts at community events or concerts, and is the cause of deadly automobile accidents as the result of an impaired driver.

When dealing with intoxicated persons, police officers have to consider several courses of action depending on the situation and the treatment that the intoxicated individual imposes on himself or others. Alcohol affects individuals differently. Some intoxicated persons are loud and boisterous while others are quiet and reserved, still others may quickly become agitated and belligerent leading to violent behavior. In some cases, police officers have no choice but to take official police action which may include an arrest. This may be the case when the intoxicated person is staggering and falling down in the street posing a safety threat or in the case of an intoxicated driver. Certainly an intoxicated person who is caring for a child may potentially endanger the child.

Most jurisdictions have ordinances or statutes that give law enforcement officers the authority to arrest an intoxicated person that is endangering him or herself or endangering

other persons or property. In the case of minor drunken behavior, a police officer may use discretion and arrange with a family member or friend to take the intoxicated individual home. Still in other cases the police officer may transport a habitual public drunk, who is homeless, to a detoxification center.

Public Drunkenness

Public drunkenness has been present in the American society since the establishment of the colonies. The Puritans stocked their ship the *Arabella* with 10,000 gallons of wine, 42 tons of beer, and only 11 tons of water (Lee, 1963).

A person does not normally become a chronic drunk in one or two days. While numerous models describe the transition from occasional drinker to public drunk, one of the most accepted is E. M. Jellinek's medical model. The stages of alcoholism include the prealcoholic phase, when the person has an occasional drink as a means of reducing tension; the intermediate stage, when an individual drinks and has occasional blackouts coupled with a compulsion to drink and loss of control; the crucial phase, when the loss of control becomes more complete, the drinker is isolated from others, and life becomes centered around alcohol; and the final or bottom phase, when the drinker experiences emotional disorganization or impaired thinking (Jellick, 1960).

Being Intoxicated Simply having a few drinks before the football game does not make a person a drunk. There are degrees of intoxication. For this aspect of the offense to be satisfied, the level of intoxication must reach the degree set forth in the next element.

To the Degree that One Is Unable to Care for Oneself The consumption of alcohol must reach a level where the person cannot function. Normally, the individual will have slurred speech, stagger while attempting to walk, or, more commonly, pass out from the consumption of alcohol. The offender will have severely impaired reasoning and be unable to function in a normal manner.

In a Public Place It is not a crime to become this severely intoxicated in the privacy of your own home, the offense must be committed in a public place. Subways, bus stations, streets, alleyways, and empty fields are common locations where police will find persons so intoxicated that they are classified as public drunks.

We have come to accept public drunkenness as a disease instead of a crime. In order to treat rather than punish, some states do not classify public drunkenness as a criminal offense. Police officers who discover a person who is drunk may contact a social service agency and place the person in its care until the individual has sobered. Other jurisdictions treat the offense as a civil matter and commit the person to a detoxification center to "dry out." Whether it is classified as a crime or a civil matter, public drunkenness is a serious issue that we must address within our society.

Driving Under the Influence

Every state has a law that prohibits driving a motor vehicle while under the influence of alcohol or drugs. The purpose of these statutes is to protect every person lawfully on a public road or highway and to reduce the hazards of prohibited operation of a motor vehicle to a minimum. Unlike public drunkenness, which requires the person to be extremely intoxicated, driving under the influence requires only that the driver be influenced in his or her mental or physical operation of the vehicle.

Driving or Operating a Motor Vehicle The defendant must be the driver or engaged in the operation of a motor vehicle. Simply being intoxicated while being a passenger in an automobile is insufficient for purposes of this element. Driving usually is defined as

movement of the vehicle in some direction and means, steering and controlling the vehicle while it is in motion.

It may be an offense, depending on the wording of the statute, simply to "operate" the vehicle while under the influence of alcohol or drugs. Operation may include sitting in a vehicle with its engine running and the transmission in park. Some cases have held that the vehicle need not be in motion to constitute operation [*Gallagher v. Commonwealth*, 205 Va. 666, 139 S.E.2d 37 (1964)].

Some statutes define *motor vehicle* very broadly for purposes of this crime. Many states prohibit the driving or operation of motorcycles, motorbikes, motor homes, bicycles, boats, and even horses. The purpose behind this broad prohibition is to ensure that other drivers are protected from any activity that may cause an accident or injury.

Upon a Public Street or Highway The offense must be committed upon a public street, road, or highway to satisfy this element of the offense. A public road or street is one that is open for use or is used by the public for motor vehicle or pedestrian traffic. Courts have found public park roads or thoroughfares in fairgrounds open to the public and therefore public streets within the meaning of the statutes.

While Under the Influence of Alcohol or Drugs Many statutes define "under the influence" in a variety of ways. One example states that the defendant is under the influence if it can be proved that the alcohol or alcohol and drugs have affected the nervous system, brain, or muscles so as to impair to an appreciable degree the ability to operate a motor vehicle in a manner like that of ordinary, prudent, and cautious persons in full possession of their faculties using reasonable care and under like circumstances.

Proof that the defendant was under the influence may be given by the officer's testimony. The officer would testify regarding the defendant's driving pattern, behavior, and performance on any field sobriety test. While this method may result in a conviction, the more common method of proving this element of the crime involves establishing the defendant's blood alcohol level. *Blood alcohol level* is a legal and medical term that is expressed in milligrams of alcohol per milliliter of blood. This level has been translated into the ability or fitness to operate a motor vehicle based upon several broad categories or zones of impairment.

Law enforcement agencies utilize a variety of tests to establish the blood alcohol level. The three most common are blood, breath, and urine tests. Blood tests involve drawing a sample of blood from the defendant and having it chemically analyzed. Breath tests require the defendant to blow into a machine that analyzes the alcohol content of the breath. Urine tests utilize a urine specimen taken from the defendant and then analyzed like a blood sample. Each of these tests is voluntary in that the police cannot obtain the sample without the defendant's consent. Many states, however, provide for loss of the defendant's driver's license if he or she refuses to provide a sample of blood, breath, or urine for analysis.

Some states have enacted presumptions that shift the burden of proving this element. If the driver of the vehicle has tested for a certain blood alcohol level and it can be shown that this level existed during the operation of the vehicle, offenders must prove they were not under the influence. This level varies from state to state, but many statutes establish .08 to .10 blood alcohol level as a presumptive indication that the defendant was under the influence of alcohol and/or drugs at the time of the operation of the motor vehicle. Driving under the influence is an offense that can be just as destructive as use of drugs. Thousands of innocent citizens are killed or maimed each year as a direct result of drunk drivers. State legislatures have responded to calls for reform by such groups as MADD and have increased penalties for this offense and shifted the burden of proof to the offender by lowering the blood alcohol level as it relates to the presumption of driving while under the influence.

This section has examined the alcohol problem and offenses that involve consumption of alcohol. Drug and alcohol crimes continue to occupy a high percentage of law

enforcement's time and energy. Local, state, and federal elected officials have all sounded the call to battle against these types of crimes. The next section will examine some of the proposed solutions to drug and alcohol offenses.

▶ Solutions to Drug and Alcohol Abuse

The solutions to drug and alcohol abuse are complex and subject to wide-ranging debate. The following discussion is not intended to provide a comprehensive examination of all possible intervention techniques available to society; rather, it is an effort to list some of the more common initiatives that are presently being utilized by law enforcement agencies and public and private institutions.

Legalization

In recent years some states have passed laws allowing for the possession and personal use of small amounts of marijuana while many other states allow for the marijuana to be used for medical reasons (medical use of marijuana); for example, Colorado, Washington State, Oregon, Nevada, and five other states have recently legalized the adult personal possession and use of marijuana. In addition, medical marijuana is legal in 29 other states. The legalization of some or all illegal drugs is an emotional issue that has its proponents and opponents. Each side presents statistics and theories to support its position. Neither side is strictly liberal or conservative; rather, their ranks include scholars, police officers, and elected members of local, state, and national legislatures. Several states have legalized marijuana for medical use and several others are considering it. This creates problems because it is still a violation of federal law to import marijuana or to take marijuana across state lines.

Some advocates of legalization, including certain law enforcement officials and other prominent scholars, believe that we have lost the "war on drugs." They claim we must explore new and previously unthinkable alternatives in our efforts to stop the spread of illegal drugs. Some argue that smoking marijuana is a matter of individual choice that should not be restricted by law or by the government. They argue that citizens are free to drink beer, whisky, wine and other alcoholic beverages and that personal use of marijuana should be given that same protection. Recent polls have shown that a growing number of American citizens actually support the legalization of small amounts of marijuana. The opponents of legalization insist that we are winning the battle against illegal drugs. They point out that our society is built on the premise of protecting those who cannot protect themselves. These authorities raise the actual and potential damage that legalized drugs will have on society (Tully & Bennett, 1989, 57–64).

The following paragraphs summarize the position of each group regarding legalization of drugs. The prior arguments are simplified versions of the more sophisticated positions set forth by the proponents and opponents of legalization. No matter which position one takes, there will be a vocal and emotional response by the other side. Legalization and its effects will continue to be hotly debated in universities, law enforcement agencies, and other institutions for the foreseeable future.

Attacking the Drug Problem

In the United States and other countries, fear, concern, and disgust have caused governments and private businesses to attempt to find a solution to the drug abuse problem. This is no easy task, as high profits from the growing and sale of drugs, organized criminal activities, and old-fashioned greed play an important part in opposing any meaningful

reform. The following is a brief discussion of the more important strategies being used to counter drug abuse.

International Agreements As early as 1912, nations were enacting international agreements to prohibit certain types of drugs. The International Opium Convention was signed at the Hague, the Netherlands, in 1912. The League of Nations enacted conventions similar to the 1912 agreement in 1925, 1931, and 1936. In 1961, the United Nations Single Convention on Narcotic Use consolidated most of these earlier agreements.

In addition to these international conventions, there are numerous other treaties, agreements, protocols, and resolutions between various nations designed to reduce the supply of illegal drugs. These agreements include the Permanent Secretariat of the South American Agreement on Narcotic Drugs and Psychotropic Substances, initiatives by the Organization of American States, the South Pacific Commission, and the Pan-Arab Bureau for Narcotic Affairs of the League of Arab States, just to name a few. The purpose of all these agreements is to combat the growth, distribution, and sale of prohibited drugs.

Prevention of Illicit Demand Prevention and reduction of the demand for illegal drugs involves a multifaceted approach that combines law enforcement activities, intervention in the workplace, and education.

Law Enforcement Activities: The main purpose of law enforcement activities in the United States is to reduce the demand, control supply, and suppress trafficking in illegal drugs. Any law enforcement administrator will tell you that police working by themselves cannot stop the sale of illegal drugs. Therefore, other measures have been employed by our government to wipe out drug usage.

Education: We have undertaken a concerted effort to educate our young children on the dangers of using drugs. This information is spread in our classrooms and transmitted into our homes through television. Many of us have seen the television commercial of the egg frying in the pan and the admonition regarding drug usage. “Just Say No to Drugs” is a common phrase that can be heard throughout our school system.

Testing in the Workplace: The federal government has passed mandatory drug testing for certain federal employees. We have all seen the signs in various businesses: “Drug Free Workplace.” Many businesses are now requiring as a condition of employment that prospective employees submit to a drug test prior to being hired.

Control of Supply By attempting to control the supply of illegal drugs, nations are focusing their efforts on the growers of the raw material. Growers of opium poppies, coca bushes, and cannabis plants are the targets of these efforts; however, controlling the supply of such goods is a complex and difficult task.

Crop Eradication: Eradication refers to the systematic effort to destroy those plants that produce the raw material that is manufactured into narcotic drugs. In addition, there are planned activities that search out and destroy cannabis plants. These plants are destroyed either by physically uprooting them or by spraying them with herbicide. These efforts are taking place both domestically and internationally (Whitehead, 1986).

Crop Substitution: Substitution seeks to motivate farmers in foreign countries to grow domestic food crops for the commercial market instead of poppy, coca, or cannabis plants. Most of these programs have been failures. The main reason for such a lack of success is the difference in price between the prohibited plants and regular farm produce—sometimes as much as 50 to 1 (Painter, 1989).

Rural Economic Development: Crop substitution alone does not appear to be effective in controlling the narcotic problem. Some countries are attempting to combine this measure

with rural economic development programs aimed at controlling the supply of drugs. These programs offer redevelopment activities within areas controlled by the state; thus, local police are better able to monitor the activities of the farmers. In addition, the farmers can live closer to home and enjoy the benefits of civilization. Colombia and Thailand are two of the countries that are actively engaged in these types of programs (Where poppies once stood, 1984).

Suppression of Illicit International Trafficking Drug traffickers have employed and continue to employ every conceivable organizational, strategic, and tactical measure to transport their product to market. Some authorities have suggested certain methods to suppress these efforts.

Interdiction of Major Drug Networks: International treaties permit states to stop the entry of drugs inside their boundaries by extraterritorial means. The U.S. Coast Guard, the Border Patrol, and the Drug Enforcement Administration target known routes of drug dealers. The theory behind this strategy is to cut the lines of supply and make it more expensive to purchase the drugs on the streets.

Forfeiture of Assets: Federal law allows law enforcement agencies to seize as contraband certain classes of property used by persons found to possess or deal drugs. Items subject to seizure include cars, homes, apartment complexes, commercial establishments, and boats, to name a few. State and local agencies may participate in these activities. The items seized are auctioned off and the proceeds are funneled back to the various law enforcement activities for specified purposes.

Extradition: Drug traffickers habitually seek haven in a country that has no extradition treaty with a principle consuming nation. The United States has entered into several extradition treaties aimed at apprehending drug leaders and bringing them to trial. Colombia's Medellin cartel suffered a major defeat when one of their ringleaders, Carlos Lehder, was successfully extradited to the United States in 1987. The seizure and transportation of President Noriega of Panama to the United States for trial in 1991 is a striking example of the government's attempt to bring to trial those who are ringleaders in the international trade of narcotics.

Numerous initiatives are being undertaken on both the international and national levels to attack the drug problem, ranging from traditional law enforcement activities to drug education programs. The profit from dealing drugs is enormous, and the need for drugs by an addict is overpowering. This war on drugs will continue, grow, and adopt new strategies as long as narcotics continue to invade our shores and harm our citizens.

Prevention of Alcohol Abuse

Some authorities believe that alcohol-related crimes are only symptoms of a much larger problem. They argue that we as a society must address alcohol abuse and its causes if we are to stop the carnage that is occurring on our nation's roads and highways as a result of drunk drivers. What causes alcoholism is a multifaceted issue that is beyond the scope of this text; however, we can address some of the programs that are aimed at preventing alcohol abuse. There are numerous theories regarding how to prevent alcohol abuse. Jan Howard, Mary Ganikos, and Jane Taylor set forth the following typology of some of the more common prevention strategies (Howard, Ganikos, & Taylor, 1990, 19).

Socialization Approaches Socialization approaches are based upon the theory that the transfer of knowledge, values, and norms from one group to another person will cause the recipient to internalize what has been taught and act accordingly through self-control mechanisms.

School-Based Interventions: These programs include instruction in the hazards of alcohol consumption, refusal skills, and social skills. They normally are taught in grammar

and high schools. In general, school-based programs have had very limited success (Moskowitz, 1989, 54).

Driver Education Programs: There are two primary types of educational interventions that focus on the prevention of drinking and driving: the school-based program aimed at primary prevention and programs for drunk driving offenders, a form of secondary prevention.

Media Interventions: Mass communication is a common approach to the prevention of alcohol problems. Historical data indicate that counter-advertising on television concerning smoking practices was an effective strategy (Office on Smoking and Health, 1989, 461).

Health Warning Labels: The new warning labels on alcoholic beverages may act as a form of deterrence. These labels express the official concern of the U.S. government regarding the consumption of alcoholic beverages.

Primary Health Care Providers: There is some authority to support the theory that providers of care could play an important role in preventing alcohol abuse (Dupont, 1983, 1003). These efforts may be effective in patients with emerging problems, where health intervention might detect the problem, offer counseling, and give treatment.

Social-Control Approaches Social-control approaches target self-control; however, they do so by establishing external situations that allow for restricted choice.

Economic Disincentives: There are a number of studies to indicate that increases in the price of alcoholic beverages directly correlate with decreases in the number of alcohol-related traffic accidents (Coate & Grossman, 1987, 23). The surgeon general has recommended increased taxation as a means of reducing the drunk driving problem (Office of the Surgeon General, 1988, 8–11). Other economic disincentives include the availability of civil lawsuits for the sale of alcoholic beverages at public facilities to persons who are under the influence. If these persons are subsequently in an accident, the victims may have a right to sue the tavern owner who served the drunk driver the last drink or drinks.

Restricted Availability: A number of authorities have stated that restrictions on the availability of alcoholic beverages reduces alcohol problems (Abadinsky, 1993, 34). Other interventions include restrictions on the number and type of establishments that are allowed to sell alcoholic beverages.

Punishment: Violations of alcohol-related laws are punishable by license revocation, fines, and imprisonment. The revocation of an offender's driver's license is usually an administrative matter and may be carried out independent of any criminal charges. Some states have established minimum sentences for drunk drivers that require them to spend a certain number of days in jail.

The above typology sets forth a brief analysis of some approaches to solving or combating the alcohol problem that we face in our society. This is a complex problem that will take a determined effort not only by law enforcement departments, but by state, local, and national agencies as well. We must continue this "war on alcoholism" if we are to prevent further death and destruction on our roads and highways.

▶ Drug Testing of Police Officers

The widespread use of illegal drugs is apparent in every segment of American life, including police employees. Because police work can be stressful and traumatic, it is no surprise that a few officers may use drugs as a means of coping. Accordingly, illegal drug use by police officers is a concern of every police chief. A majority of police departments conduct drug screening of applicants. In addition, most departments have written policies and procedures

for conducting drug screening tests when there are reasons to suspect that an officer has been using illegal drugs.

One issue regarding drug tests is whether the establishment of a drug testing program is a change in working conditions and therefore subject to collective bargaining. The union concerns in this area include:

- The standards for drug concentration levels present in the urine.
- The confidentiality of results.
- Procedural safeguards.

DEALING WITH AN INTOXICATED PERSON

Keep your distance while assessing the situation.

Approach the person slowly.

Remember officer safety at all times.

Keep your gun side turned away from the intoxicated person.

Communicate clearly and calmly, but firmly.

If the person is unconscious, monitor their breathing and call paramedics.

If the person is vomiting, lay him or her on their side to keep them from choking. Do not provoke—some intoxicated persons if provoked can become violent.

If the person is combative, call for back-up and restrain by handcuffing.

When an officer tests positive and further investigation determines that the officer is a drug abuser, the question then is should the officer be treated for the abuse problem, fired, or both. If the police keep a known drug abuser as a police officer, there is a potential for civil liability if the officer is involved in misconduct or an accident. If the drug use is caused, however, by job stress, is it fair to fire the officer? The present trend in handling this situation appears to be that taken by the City of Boston. In that city, assistance programs are available for officers who have problems with drugs. Employees who voluntarily enter the program are provided confidential counseling and their participation in the program is also confidential. If the officers do not voluntarily seek assistance, they may be fired. Other cities have similar programs; for example, the City of New York has a drug awareness program and a drug awareness workshop included in their training programs. The police employees' association in Philadelphia (Fraternal Order of Police) produced a videotape program that encourages officers with drug or alcohol problems to seek professional help. In addition, the association provides limited counseling in this area.

Should the police hire individuals who have used drugs in the past? There appears to be no uniform treatment by departments regarding the handling of applicants who either admit or are discovered to have used drugs. Almost all departments screen out individuals who have had serious past drug incidents. Individuals who have only experimented with drugs are screened out in some jurisdictions and not in others. The trend appears to be against automatic exclusion of applicants who have only experimented with drugs. Most departments who accept applicants with a history of drug incidents conduct more in-depth background investigations on those applicants than they do on other applicants. In addition, even the experimental use of drugs is considered as a negative factor in evaluating a person's application.

▶ Gangs and Drugs

What Is the Relation Between Drugs and Gangs?

According to the United States Department of Justice, street gangs, outlaw motorcycle gangs (OMGs), and prison gangs are the primary distributors of drugs on the streets of the U.S. Street gang members convert powdered cocaine into crack cocaine to boost profits. They also produce a large extent of PCP for street-level distribution. OMGs produce and distribute significant amounts of marijuana and methamphetamine. Gang intelligence reports also indicate that gangs are increasingly involved in the distribution of the drug MDMA which is known on the street as "ecstasy."

Involvement and control of the retail drug trade poses a serious threat to public safety and stability in most major and mid-sized cities. Distribution activities of gangs are often associated with lethal violence. Violent disputes over control of drug territory and enforcement of drug debts occur fairly frequently among gangs in both urban and suburban areas, as gangs expand their control of drug distribution in many jurisdictions. Just within the past few years, law enforcement agencies in 51 major U.S. cities reported moderate to significant levels of gang-related drug activity.

To meet their primary objective, to make money, gangs are increasing their involvement in the high-profit crimes of sex trafficking and prostitution. As a means of securing power, gangs continue to seek employment within the military and within government institutions and law enforcement agencies. Gangs also continue to form partnerships with other criminal organizations in order to widen their networks; thus, gangs have connected with Mexican Transnational Criminal Organizations (MTCOs), sex trafficking rings, and extremist groups.

Summary

- A criminal gang is generally defined as an organization that has a common name or identifying symbol; has particular conduct, status, and customs indicative of it; and has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct that constitutes the primary offense.
- Gang membership has increased exponentially since the 1960s. The gangs which flourished in Los Angeles in the 1960s have expanded to other cities in the United States and into Mexico and Central America.
- Youth may join gangs for a sense of belonging, respect, money, or because a friend has joined a gang.
- The larger cities typically have more gangs, larger gangs, and gangs that have been in existence for longer periods of time. The large cities also tend to have gangs that are more involved in serious criminal activity, are more highly organized, and have a more identifiable leadership structure.
- Delinquent gangs are more common in smaller cities and tend to be more loosely organized, with ephemeral leadership. The smaller cities' gangs are generally newer and lack historic roots.
- Anti-gang tactics include mediation, situational crime prevention, working with families, and other strategies.
- Many researchers contend that anti-gang tactics that involve only law enforcement will solidify gangs by increasing cohesion among gang members.
- Most states use traditional criminal law in prosecuting most of the crimes committed by gang members; however, some gang-related offenses, like drive-by shootings, also were not adequately covered. New statutes were enacted to combat these deficiencies.
- The primary federal statutes used to prosecute street gangs are RICO and the CCE statutes, which are part of the Comprehensive Drug Abuse Prevention and Control Act of 1970.
- The two acts are designed to attack the conspiratorial nature of gangs and require prosecutors to present evidence of multiple criminal acts committed by various gang members to establish a pattern of criminal activity by the gangs.
- For RICO prosecutions the prosecutor must establish evidence of racketeering acts, known as predi-

cate acts. A predicate act can include any substantive criminal act such as illegal drug distribution, fraud, thefts, or illegal gambling. In addition to establishing the predicate act or acts, the prosecutor must also establish that the enterprise (company or gang) was involved in the activities that resulted in the criminal acts being committed.

- As gangs migrate across the country, they bring with them crime and violence. Reasons for migration range from expansion of territories to families moving because of jobs or incarceration.
- Gangs remain the primary distributors of drugs throughout the United States.
- Gangs are associating with organized crime entities, such as Mexican drug organizations, Asian criminal groups, and Russian organized crime groups. These groups often turn to gangs to conduct low-level criminal activities, protect territories, and facilitate drug-trafficking activities. Financial gain is the primary goal of any association between these groups.
- Gang members are becoming more sophisticated in their use of computers and technology. These new tools are used to communicate, facilitate criminal activity, and avoid detection by law enforcement.
- Hispanic gangs are not a new phenomenon in the United States; however, they have increasingly become a concern for law enforcement agencies in recent years. As a result of the continuous growth in the Hispanic population throughout the United States, Hispanic gang membership is also increasing.
- Young women continue to take active roles in gangs. Although the number of female gangs is increasing, street gangs are still predominately made up of males.
- Most gangs in Indian Country are small and autonomous. Structurally, leadership tends to be decentralized, with collective decision-making the common theme. Although some of these gangs will claim turf, gang alignment tends to revolve around which gang is perceived to be the most influential at any given time.
- Native-American gangs will often take on the characteristics of urban street gangs in terms of signs, symbols, and other forms of gang representation.
- Outlaw motorcycle gangs (OMGs) have been in existence for more than 50 years. The growth of OMGs and their increasing criminal endeavors have made them the subject of numerous criminal investigations by law enforcement. These criminal activities include, but are not limited to, murder, assault, kidnapping, prostitution, money laundering, weapons trafficking, motorcycle and motorcycle-parts theft, intimidation, extortion, arson, and the production, smuggling, transportation, and distribution of drugs.
- The use of illegal substances is considered one of the major crime problems in the United States. Cocaine is believed to be the most prevalent drug for the majority of male and female users. Other popular drugs that are used include marijuana, heroin, amphetamines, and PCP.
- Narcotics and their use is not a new phenomenon in our society. Opium was used by such noted physicians as Hippocrates.
- There is no doubt that the U.S. society has alcohol-related problems. The extent of the consumption of alcoholic beverages is staggering. An estimated 18 million American adults and several million children are experiencing physical, mental, and social problems related to the consumption of alcohol.
- The solutions to drug and alcohol abuse are complex and subject to wide-ranging debate.
- Most law enforcement departments have written policies and procedures for conducting drug screening tests when there are reasons to suspect that an officer has been using illegal drugs.
- Street gangs, outlaw motorcycle gangs, and prison gangs are the primary distributors of illegal drugs on the streets of the United States. Gangs also smuggle drugs into the United States and produce and transport drugs within the country.

Classroom Discussion Questions and Activities

1. The following problems examine various factual situations that involve driving or operating a motor vehicle. For purposes of these problems, you should assume that the defendant is intoxicated to the degree that all other elements of the offense have been satisfied.

Problem 1

In a state that requires the driving of a vehicle as part of the offense, an officer observed a vehicle, with its motor running, on the side of a deserted road approximately 10 miles from the nearest residence. The defendant had passed out in the backseat.

ISSUE: Do these facts establish driving? The courts in these situations will look to determine if there was sufficient evidence to establish that the defendant was in control of the vehicle and had driven it to that location. The fact that the incident occurred on a deserted road and the defendant was in the car normally will carry weight. The defendant must then rebut this evidence and put forth facts that raise a reasonable doubt in the minds of the judge or jury. Normally, defendants in these situations contend that someone else was the driver and they were merely intoxicated passengers; however, the location of the defendant in the car will be considered vital in establishing this element. What if the defendant had passed out in the passenger's side of the front seat? What if he was slumped over the wheel? [*State v. Blaine*, 148 Vt. 272, 531 A.2d 933 (1987)]

Problem 2

In a state that prohibits operation of a vehicle while under the influence, an officer observed a vehicle moving on a public road in an erratic manner. After stopping the car and approaching the driver's side, the officer observed a 10-year-old behind the wheel and the defendant in the passenger seat. The defendant was obviously intoxicated and stated that the minor was her son.

ISSUE: Was the defendant operating the vehicle within the meaning of the statute? In this situation, the courts will hold the defendant was not "operating" the vehicle. She may have legal custody or control of the vehicle by virtue of the relationship with the driver and may be charged with contributing to the delinquency of a minor, but she will probably not be convicted of DUI. [*State Dept. of Public Safety v. Juncewski*, 308 N.W.2d 316 (1981)]

Problem 3

Under the same statute as in problem 2, the officer discovered the defendant in the vehicle with its engine running, but the gear shift was in the park position and the emergency brake was on.

ISSUE: Was the defendant operating the vehicle within the meaning of the statute? Courts may find this element of the offense has been satisfied in these types of factual situations. The vehicle does not have to be in motion for the defendant to be operating it within the meaning of these statutes if the accused set in motion the operative machinery of the vehicle for purposes of putting it in motion. [Compare *State v. Hedding*, 122 Vt. 379, 172 A.2d 599 (1961) and *Commonwealth v. Plowman*, 28 Mass. App. Ct. 230, 548 N.E.2d 1278 (1990), upholding convictions, with *Ferguson v. City of Doraville*, 186 Ga. App. 430, 367 S.E.2d 551 (1988), which stated merely occupying a parked car is not sufficient for this element.]

2. What actions can be taken to combat the gang problem or to reduce the level of violence associated with gang activities?
3. Should the drug problem be treated as a "medical" problem?
4. Should law enforcement officers be subject to random and unannounced drug tests? Justify your position.

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CHAPTER OUTLINE

- Introduction
- Changing Demographics
- Skeletons in the Closet
- Contemporary Problems
- Police–Minority Relations Today
- Dangerous Traits and Behaviors
- Improving Police–Minority Relations
- The Culturally Competent Police Officer
- Hate and Bias Crimes
- Summary

12 Police Operations in Culturally Diverse Communities

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe demographic changes taking shape in the United States.*
- *Discuss how past events, such as police abuses, impact the state of police–minority relations today.*
- *Discuss how contemporary problems, such as racial profiling, can exacerbate police–minority relations.*
- *Identify dangerous behaviors and traits that police officers should avoid pertaining to their views of race and ethnicity.*
- *Discuss strategies for improving police–minority relations.*
- *Discuss how being culturally competent can enhance beat management.*
- *Describe specific strategies for responding to hate and bias crimes.*

▶ Introduction

A 16-year-old African-American male named Marcus is walking home late one autumn evening. There is a bitter chill in the air as he hurries to get home. He works at the local supermarket sacking groceries. It's his first job and he puts in about 20 hours a week so that he can make some spending cash for clothes and shoes, which he would otherwise go without. Marcus lives with his mother in the **ghetto** area of the community.

ghetto An area within a city in which members of a particular cultural, ethnic, religious, or national group live in high concentration. The term *ghetto* is now commonly associated with notions of deprivation, unemployment, and social exclusion and is sometimes used interchangeably with the term *inner city*.

Marcus is about two blocks from home when he notices headlights creeping up behind him. He continues walking without looking back. He knows that in the inner city it is sometimes a matter of survival to mind your own business.

Suddenly there is a bellow from the police car that has been following: "STOP, POLICE: WE WANT TO TALK WITH YOU!" There are two white police officers in the patrol car. The officers ask Marcus for identification and begin to pepper him with questions: "Where have you been?" "What are you doing out walking in this area?" "Where are you going?" "Do you have any drugs or firearms on you?"

A fear of the police was instilled in Marcus at an early age. Growing up, he heard stories of police harassment and excessive use of force. Marcus was taught not to give the police a hard time, and to do everything that is requested or he may end up beaten, in jail, or dead. After several minutes of being questioned, he is released.

Marcus continues walking home. The police stops have become so common that he thinks nothing of it, he is numbed to the experience, and he simply goes through the routine. It's an everyday part of living in the inner city. To him, the police are seen as people to fear, the representatives of a system that more often than not is unfair to minorities. Ironically, this fear has been perpetuated through generations of minorities living in the United States. Bell (2000) argues that from the earliest time in our history, a primary role of the police was to keep African-Americans under control and that this dates back to slavery.

Police officers will increasingly interact with racially and ethnically diverse populations. Police relations with minority communities have always been somewhat strained, and continue to be the same today.

This chapter discusses police operations in culturally diverse communities. While the chapter discusses operational guidelines that the police can utilize to foster better police–minority relations, this book seeks to place police–minority relations within a broader, historical framework. This makes it necessary, as painful as it may be, to examine the skeletons in the closet. By so doing, police officers who work in minority neighborhoods will be in a better position to make more informed decisions that impact the neighborhood, as well as having a conceptual understanding of why many in the minority community still look upon the police with an aura of suspicion. Furthermore, students of the police can begin to critically think about how the past has a direct impact on the current state of police–minority relations. In order to assist you in understanding the ever-evolving cultural diversity in the United States, we begin the chapter with a brief look at the changing demographics.

▶ Changing Demographics

The United States is distinguished by the size and diversity of its racial and ethnic populations. From all indications, these trends promise to endure. In fact, some demographers project that by the year 2050 the United States will likely have no single majority group.

The ever-evolving diversity trends in the United States have implications for policing in a variety of areas, including recruiting to ensure adequate representation of women and minorities in the ranks, training of police officers, as well as the type and quality of policing services offered in diverse communities. Furthermore, the changing demographics

associated with increased life expectancy, an aging population, retirement of the baby boomers, more immigrants, changes in the ethnic makeup, and generational diversity are all expected to create new demands on police operations.

Throughout history, the ethnic and cultural diversity of the United States' population has grown constantly. During much of that time, established American groups assumed that newcomers would be assimilated into existing cultural patterns; this is referred to as the **melting pot** model. In the twenty-first century, the melting pot model has been recognized as neither a good description of what has happened nor a plausible prediction of what can happen as our population continues to diversify rapidly.

melting pot A place where immigrants of different ethnicity or cultures form an integrated and homogenous society.

A more appropriate way to refer to what has occurred in the United States is **pluralism**. A pluralistic society is one in which members of diverse ethnic, racial, religious, or social groups maintain an autonomous participation in and development of their traditional culture. Pluralism is the concept that various groups in society have mutual respect for one another's culture, a respect that allows minorities to express their own culture without suffering prejudice or hostility (Schaefer, 2000). The religious and cultural patterns of American society are now more varied than ever, and police must continually strive to develop appropriate methods to police a pluralistic society.

pluralism The notion that various groups in a society have mutual respect for one another's culture, a respect that allows minorities to express their own culture without suffering prejudice or hostility.

Police officers entering the policing profession in the twenty-first century face both a citizen population and a set of professional values that require skills for negotiating cultural difference. **Multiculturalism** is a definition that has taken on different meanings over the years. A multicultural society is one that is made up of many different ethnic and racial groups.

multiculturalism A term used to describe many cultures learning to get along with one another with mutual respect.

The population of the United States continues to grow increasingly diverse. In recent years, Hispanics have grown faster than the population as a whole. By the year 2030, it is projected that one out of four U.S. residents will be Hispanic or Asian in ethnic makeup.

Racial and ethnic diversity has always been central to American society. Immigration from different parts of the world, and the different fertility and mortality rates among recent migrants, has kept the racial and ethnic composition in flux. In 1999, African-Americans were the largest minority in the United States, accounting for 12.1 percent of the population; however, according to the U.S. Census (2010), the Hispanic population grew at nearly four times the rate of the U.S. population overall during the past two years, cementing the Latinos' position as the country's largest minority group.

By 2025, Hispanics will account for 18 percent of the U.S. population, while only 13 percent of the population will be African-American. Over the same period, the percentage of whites will decline by 10 percentage points, to 62 percent. If current trends continue, almost half of the U.S. population will be non-white by 2050. The Population Reference Bureau projected significant racial and ethic changes to the landscape of the United States by the year 2025.

▶ Skeletons in the Closet

One of the major concerns in law enforcement is gaining the community's support and acceptance of law enforcement and its agents (Coffey, Eldefonso, & Hartinger, 1982). Many of the tensions and mistrust of minorities toward the police have been passed along from generation to generation. Much of the distrust between the police and minority communities can be, at least in part, explained by historical events. In order to illustrate the historical significance, some selected events are discussed. The objective of these examples is to place the chapter's discussion within a broader historical framework. By providing a historical framework, the state of police–minority relations can be better understood. In fact, we don't have to glance that far back in history to get a not-so-glamorous look at police–minority relations gone astray.

VOICES OF EXPERIENCE0

CULTURAL AWARENESS TRAINING

Excerpts from an interview between Cliff Roberson and Jeffery L. Tymony. Professor Tymony has held numerous positions in the criminal justice field and is currently a professor at Butler Community College, El Dorado, Kansas.

Q: I notice that you are a cultural awareness trainer. What does cultural awareness training include?

A: It includes creating cultural sensitivity for others. For law enforcement, cultural sensitivity is a couple of things. First, the officer should be sensitive to the needs of the community he or she is serving. Most law enforcement officers are men and most are white. They are generally not of the same racial or social background as the many individuals in the communities they serve and they cannot impose their value systems on the people they are supposed to protect and serve. That is one component of the training.

The second component of the training is learning how to communicate with different cultures. The officers must accept the training. If the training is touchy, feely type training, the officers won't listen. You have to ease them into it. Explain that it may save their lives or keep them out of a lawsuit. For example, in Los Angeles, when an individual was arrested the officers required him or her to kneel and put the hands behind the head. Many officers did not understand why the Asian-Americans, especially those of Laotian or Vietnamese ancestry, were upset at this type of handling and many would resist being arrested. The officers failed to understand that to these Americans, the kneeling and putting your hands behind your head was the "assassination position."

Who the officers talk to first when he or she answers a dispatch to a home is a cultural issue. With Asian-Americans, the officers should first talk to the elders. When talking to Hispanic youths, as a general rule, because of cultural background, they will not look you in the eye. This doesn't mean they are trying to hide something or are not involved, it's a cultural thing. In the United States, we have pockets of subcultures. It is in the best interest of the officers to be sensitive to the cultural differences of the various cultures.

The length of the program varies. Normally we train about four hours at a time. There is not a lot of lecture; it is an interactive series of exercises where you put them in a scenario where they are a member of a minority culture. One exercise that we use is called "shelter." The training group has to come to a consensus regarding the exercise. Under the scenario, the world is about to be hit by a comet. There is going to be a period of darkness and it will be cold. You are in a safe position as long as you are in the shelter, but to survive you need individuals with certain skills. The group has to decide who is going to be in the shelter when it closes. Only about five people out of the fifteen can be in the shelter. I give them a list of people that the group can choose from. The list has people of all ages, races, and skills. The argument comes down to who will help them survive when they come out of the shelter. They stop thinking about race, religion, background, and start thinking about what is needed to survive. In the critique we discuss how they made their decisions, and it is normally based on survival skills. Their biases disappear. There are other exercises about value clarification. I am not trying to change their values, but only to create an awareness of cultural differences.

Source: Used with the permission of Jeffery L. Tymony, Professor at Butler Community College,El Dorado, Kansas.

Watts Riot

The Watts Riot in Los Angeles, California, erupted on August 13, 1965, as the result of a routine arrest of a drunk driver. A Los Angeles police officer flagged down motorist Marquette Frye, whom he suspected of being intoxicated. When a crowd of primarily African-American onlookers began to taunt the police officer, a second officer was called in. According to eyewitness accounts, the second officer struck crowd members with his baton, and news of the act of police brutality soon spread throughout the neighborhood. The incident, combined with escalating racial tensions, overcrowding in the neighborhood, and a summer heat wave, sparked violence on a massive scale. Despite attempts the following day aimed at quelling anti-police sentiment, residents began looting and burning local stores.

DIVERSITY IN THE UNITED STATES IN 2010

	Total Population	Percentage of Population
Total Population	308,745,538	100
White	223,553,265	72.4
Black or African-American	38,929,319	12.6
American-Indian and Alaska Native	2,932,248	0.9
Asian	14,674,252	4.8
Native Hawaiian and other Pacific Islander	540,013	0.2
Other race	19,107,368	6.2
Two or more races	9,009,073	2.9
Hispanic or Latino	50,477,594	16.4

Note: Percentages add up to more than 100 percent because Hispanics may be of any race and are therefore counted under more than one category and because of rounding error.

Source: Latest data taken from U.S. Census Bureau, 2010.

The rioting lasted five days and more than 34 people died, at least 1,000 were wounded, and an estimated $200,000 million in property was destroyed. An estimated 35,000 African-Americans took part in the riot, which required 16,000 national guardsmen, county sheriff's deputies, and police to end. Although city officials initially blamed outside persons for the insurrection, subsequent studies showed that the majority of participants had lived in Watts all their lives. Studies also found that the protesters' anger was directed primarily at white shopkeepers in the neighborhood and at members of the nearly all-white Los Angeles Police Department. The rioters left African-American churches, libraries, businesses, and private homes virtually untouched.

Zoot Suit Riots

The zoot suit riots was a series of riots that erupted in Los Angeles, California, during World War II, between servicemen stationed in Los Angeles and Mexican-American youths, recognized because of the zoot suits they favored.

The riots began in the racially charged atmosphere of Los Angeles, where servicemen returning from the War had increasingly come into conflict with the local Mexican "zoot suiters." On June 3, 1943, a group of servicemen on leave complained that they had been assaulted by a gang of Mexican-American youth (also referred to at the time as *Pachucos*). Pachucos were Mexican-American youth who developed their own subculture during the 1930s and 1940s, primarily in the Southwestern United States. In response, the servicemen gathered and proceeded to downtown and East Los Angeles, which was largely inhabited by the Mexican-Americans. They attacked all the men they found wearing zoot suits, often ripping off the suits and burning them in the streets. In many instances, the police intervened by arresting beaten-up Mexican-American youths for disturbing the peace.

The Detroit Riots

The Detroit Riots of 1967 started when Detroit vice officers executed a raid on an after-hours drinking club in a predominantly African-American neighborhood. The officers expected to round up a few patrons, but instead found 82 people inside the club holding a party for two returning Vietnam veterans.

The officers made multiple arrests at the scene. While they waited for the arrival of prisoner transportation vehicles, a crowd gathered around the establishment and began to protest the arrests. After the last police car left the area, a small group of African-American men who were confused and upset because they were kicked out of the club lifted up the bars of a clothing store located next door, and broke the windows. Looting and fires then spread rapidly through the northwest side of Detroit. The disorder then spread to the east side of Detroit. Within 48 hours, the National Guard was mobilized, to be followed by the 82nd airborne on the riot's fourth day. As police and military troops sought to regain control of the city, violence escalated. At the conclusion of the rioting, which lasted five days, 43 people were dead, well over 1,100 injured, and over 7,000 people had been arrested.

There have been many explanations of why the riots occurred. Some of these explanations include political, economic, and social factors; police abuse; lack of affordable housing; urban renewal projects; economic inequality; African-American militancy; and rapid demographic change.

It is well known that in the 1960s some members of the Detroit Police Department routinely harassed African-Americans, including using racial epithets and excessive force. Such excessive use of force was manifested in the 1962 police shooting of an African-American prostitute who was shot in the back while fleeing from the back of a patrol car. Other cases of police brutality in Detroit included the severe beating of a prostitute, and the beating of an African-American teenager for allegedly disturbing the peace.

Tulia, Texas

In one other case that gained national attention, nearly 10 percent of the African-American residents of small town Tulia, Texas, were arrested and indicted on bogus drug charges. In the Tulia case, an 18-month drug sting led to the arrest of 46 of the town's 4,699 residents. Coordinated by the Panhandle Regional Narcotics Trafficking Task Force, the operation netted 38 narcotics trafficking convictions with defendants receiving sentences as long as 90 years in prison.

The sting operation earned undercover officer Tom Coleman the coveted "Outstanding Lawman of the Year" award, presented by the Texas Narcotic Control Program. Subsequently, a state district court judge ruled that all 38 convictions should be overturned due to revelations that Coleman, the sole undercover officer in the sting, fabricated evidence and perjured himself while testifying against the defendants. Twelve of those convicted were immediately released. The remaining defendants have already been paroled or released since the judge's ruling.

Other Incidents

On April 29, 1992, Los Angeles police officers pulled over Rodney King, an African-American male, for a traffic violation. According to the officers, King emerged from his automobile in an aggressive manner that suggested he might have been high on drugs. Before handcuffing King, the police delivered some 56 blows and kicks and a number of shocks from a Taser stungun to the fallen body of the suspect while almost 20 other officers stood by and watched. A man named George Holliday, standing on the balcony of a nearby building, videotaped the incident. The next day, he gave his 81-second tape to Los Angeles TV channel five. By the end of the day, the video was being broadcast by TV stations around the world. Four days later, all the charges were dropped against King and four officers were charged with felony assault and other beating-related charges.

The Independent Commission on the Los Angeles Police Department came out three months later documenting the "systematic use of excessive force and racial harassment in

the LAPD." It also noted management problems and condemned the department's emphasis on crime control rather than crime prevention, which served to isolate the police from the public.

On April 29, 1992, the four police officers were found not guilty of committing any crimes against Rodney King. After the announcement of the verdict, the local police were caught fleeing the area where large-scale riots had erupted. The National Guard was then called in. The riots ended six days after they began and resulted in the deaths of 42 people, the burning of 700 structures, the arrest of nearly 5,000 people, and almost one billion dollars in property damage. Because of the riots, the U.S. Justice Department resumed the investigations that had begun due to the King beating.

In Los Angeles, an African-American car theft suspect whose videotaped beating by a Los Angeles police officer drew comparisons to the infamous assault on Rodney King, reached a $450,000 settlement with the city. The suspect was kneed and then struck 11 times with a large metal flashlight by a police officer. The beating, captured by a television news crew in a helicopter, occurred at the end of a high-speed, 21-mile car chase that began in South Los Angeles. Los Angeles Police Chief William J. Bratton fired the officer shortly after a three-person Board of Rights found the officer guilty of using unnecessary force. Bratton also announced that the department would phase out the use of the large metal flashlights. The car theft suspect was not charged with any crimes (Krikorian, 2006).

Several recent high profile police shootings of African-Americans have further exacerbated the mistrust of the police by many persons of color. For example, during the summer of 2014 in Ferguson, Missouri, a police officer shot and killed an 18-year-old African-American male named Michael Brown following an altercation between the two. The shooting resulted in several days of riots and protests. A Department of Justice investigation later found a pattern of Civil Rights violations by the police department. According to the DOJ, Ferguson was a deeply polarized community where hostility often characterized interactions between police and area residents. The investigation uncovered that Ferguson police officers routinely violated the Fourth Amendment in stopping people without reasonable suspicion, arrested them without probable cause, and used unreasonable force against them.

A former North Charleston, South Carolina police officer was recently sentenced to 20 years in federal prison for Civil Rights violations stemming from the 2015 shooting and killing of Walter Scott, an unarmed 50-year-old African-American. The officer, who is white, shot and killed Scott after a traffic stop. Video released after the incident shows the police officer firing numerous rounds with his firearm into the back of Scott as he was running away.

On April 12, 2015, a 25-year-old African-American named Freddie Gray was arrested by the Baltimore Police Department for possessing what police believed was an illegal knife. While being transported in a police van, Gray fell into a coma and was taken to a hospital. He died a few days later. His death was attributed to injuries to his spinal cord. Gray's death sparked massive protests and riots. Black Lives Matter activists allege that Gray's death is merely one example of a long history of police use of unnecessary force against racial minority citizens. Six Baltimore police officers were criminally charged in Gray's death. One officer's trial resulted in a hung jury, and the other officers were either acquitted, or had their cases dismissed.

A Necessary Examination

For some readers of this chapter, the events discussed previously are not new to you, and for many, you were probably not born when some of these events transpired. A discussion of these past police abuses isn't taken up in this chapter to keep living in the past, but is to place the suspicions that many minority communities hold toward the police into a proper historical context. In essence, the skeletons in the closet have to be pulled out,

acknowledged, and examined in order to effectively understand the complex nature of contemporary police–minority relations.

By critically examining injustices of the past, police authorities can move toward reconciliation and a more harmonious relationship with the minority community; however, this is a "two-way street." In order to make police–minority relations work, the minority community must also be willing to engage in productive dialogue with the police, as opposed to just verbalizing concerns. The Police Executive Research Forum (2001) report suggests that minority community members can get involved by:

- Engaging in dialogue about solutions, rather than about blame.
- Encouraging one another to apply for employment with the police department, and supporting those who go through the process.
- Developing a broad understanding of professional police practices (perhaps through contacts with national and state police organizations), in order to form an objective standard by which to judge police actions.
- Acknowledging police officers who promote positive police–community relationships with awards or other commendations.

PRACTICE HINTS

There is a history of police enforcing Jim Crow laws and other injustices that must be acknowledged. Many officers were not born when these events happened, so they are not responsible for it, but they must be responsible to it. They must understand that there are many millions of people who lived through this history, or have heard first-person accounts of it from family members, or are simply aware of this well-documented history of injustice. This history contributes to a lack of trust in the police, particularly when it appears that racial injustice is continuing today.

Source: Wexler (2015, p. 4).

▶ Contemporary Problems

There are a number of problems that have an affect on the state of police–community relations in the United States. To casual observers there may be the general appearance that everything is OK, and that police relations with the minority community is so far removed from their lives that a certain sense of apathy prevails. Perhaps there is even the thought that if everyone would simply follow the rules, they wouldn't have problems with the police. This viewpoint, of course, is somewhat narrow in the sense that there are a number of factors that should be placed in proper context, especially if you are a minority citizen living in the inner city.

Undeniably, the plight of the inner-city residential complexes across the United States has become an intensely debated topic. The problem of high concentrations of poor and poorly educated minority families in substandard housing, many of whom are out of work, in an environment rife with crime, dysfunctional families, and domestic violence, has created a host of problems for the police. Blight, high crime, business deterioration, and white flight have combined to create inner-city landscapes that give the appearance of war zones rather than neighborhoods.

The police are caught in the unenvious position between enforcing the law and doing so in a manner as to avoid the appearance of targeting the inner-city community for disproportionate law enforcement. While police authorities continue to struggle with how to best provide services in minority communities, the accusations that some police officers disproportionately stop minorities simply because of the color of their skin has exacerbated the problem.

racial profiling The practice of constructing a set of characteristics or behaviors based on race and using that set of characteristics to decide whether an individual might be guilty of some crime and therefore worthy of a stop, investigation, or arrest.

bias-based policing Conduct by law enforcement authorities that is based solely on the race, gender, ethnicity, age, sexual orientation, or religion of an individual.

Racial Profiling

One of the more perplexing issues facing the criminal justice system today is the allegation that some contemporary police practices are motivated by bias and racism. Some observers have accused the police of systematically stopping minority motorists simply because of the color of their skin, while the police themselves emphatically deny these allegations. This alleged practice has come to be known as **racial profiling** or **bias-based policing.**

Many police agencies have now begun to use the term bias-based policing in lieu of racial profiling. The bias-based policing term is considered more encompassing because it accounts for not only race, but also national origin, sexual orientation, disability, gender, and religion (Birzer, 2013). Bias-based policing occurs when a police officer uses race, ethnicity, national origin, gender, or religion as a general indicator or predictor of criminal activity. It also occurs when an officer wrongly uses race, ethnicity, national origin, gender, or religion as bases for discretionary law enforcement, that is, who they will cite, arrest, warn, search, or release. Consider this question: Can a police officer stop a black male who is observed driving through a predominately white neighborhood simply based on race? The answer is no! Police officers cannot make stop decisions based solely on race.

Anecdotal evidence suggests that many minorities believe that the police routinely stop and search them because of the color of their skin (Weitzer & Tuch, 2002). Often, this evidence is dismissed as isolated experiences of angry, overly sensitive, or disgruntled minorities. Some statistical evidence, however, tends to confirm the anecdotal accounts of minority citizens that they are indeed being singled out for traffic stops and searches.

PRACTICE HINTS

DATA COLLECTION RECORDS SHOULD INCLUDE AT A MINIMUM:

- Location of the stop.
- Date and time of the stop.
- Age, race/ethnicity, and gender of the driver.
- Traffic violation or reason for the stop.
- Disposition of a stop (arrest, citation, warning, or no action).
- Whether a search was conducted of the driver, passengers, or vehicle.
- If a search was conducted, was any contraband discovered or seized and the nature of the contraband.
- Whether the officer knew the race/ethnicity of the driver before the stop.

Antonovics and Knight (2004) reviewed vehicle search data from the Boston Police Department. They discovered that more than 43 percent of all searches were of African-American motorists, even though these motorists represented only 33 percent of the cars that were stopped by the police.

In San Diego, African-American and Hispanic drivers were found to be overrepresented in vehicle stops. African-American drivers had about a 60 percent greater chance of being stopped by the police when compared to whites, and Hispanic drivers had about a 37 percent chance of being stopped (Cordner, Williams, & Velasco, 2002).

One study in a large pacific northwestern city found that African-American citizens were disproportionately stopped and ticketed in affluent neighborhoods (Greenleaf, Skogan, & Lurigio, 2008). This has long been a complaint among many African-American citizens that they are subjected to increased surveillance and stops by the police when driving through affluent neighborhoods.

PRACTICE HINTS

RACIAL PROFILING

- In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, police officers should never use race or ethnicity to any degree.
- Police officers should never use race as a basis for any law enforcement decision.
- Police officers may rely on race and ethnicity in a specific suspect description.
- In conducting activities in connection with a specific investigation, police officers should consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame that links persons of a particular race or ethnicity to an identified criminal incident.

Citizens also seem to think that racial profiling indeed occurs. A 2004 Gallup poll of citizens found that 53 percent of those polled believe the police engage in a widespread practice of stopping motorists because of their race (Carlson, 2004). Similarly, one other poll found that 90 percent of blacks and 70 percent of whites polled thought that racial profiling was widespread (Weitzer & Tuch, 2005).

Responding to Racial Profiling

In response to allegations of racial profiling, many jurisdictions have begun to track information about those who are stopped, searched, ticketed, and/or arrested by law enforcement officers. In 1999, under pressure to address minority complaints about police treatment, U.S. Attorney General Janet Reno called for police departments to collect more hard data to see whether and where racial profiling may be occurring. As a result, the U.S. Department of Justice prepared a resource guide on racial profiling data collection systems with the objective to assist law enforcement agencies with data collection (Ramirez, McDevitt, & Farrell, 2000).

In 1997, U.S. Congressman John Conyers first introduced the Traffic Stops Statistics Act, which requires the collection of several categories of data on each law enforcement traffic stop, including the race of the driver and whether a search was performed. The bill was passed in the U.S. House of Representatives, but was not considered by the Senate. It has been reintroduced in several congressional sessions since then, but failed to become law. Despite the failure of Traffic Stops Statistics Act to become law, many individual states have enacted their own data collection legislation. Moreover, many law enforcement authorities have arranged to voluntarily collect traffic stop data. While the type of data collected among law enforcement agencies will vary, it will generally include the following:

1. The date and time of the stop.
2. The duration of the stop.
3. Numbers of occupants in the vehicle.
4. Was there a traffic citation or a written/verbal warning issued?
5. The race or ethnicity of the driver.
6. The age and gender of the driver.
7. The year, make, and model of the vehicle.
8. Was the vehicle searched? If so, what if anything was found?
9. Was the driver arrested? If so, what were the charges?

CASE STUDY Selected Racial Profiling Cases

United States v. Miller, 821 F.2d 546 (11th Cir. 1987)

The defendant was stopped on I-95 primarily because he matched the police officers' "drug courier profile" (which considers race). After his motion to suppress evidence was denied by the trial court, the defendant was convicted of possession of cocaine with intent to distribute. The 11th Circuit, on appeal, held that driving "cautiously" and failing to look at a trooper on the side of the road, both part of the "drug courier profile," did not constitute probable cause to stop a car for a drug search. The court also held that any consent given was the product of the illegal detention (thus not voluntary) and that the taint of the unreasonable stop was not sufficiently attenuated. This case resembled another involving the same officer who had used the same drug profile to illegally stop and search a vehicle [*U.S. v. Smith*, 799 F.2d 704 (11th Cir. 1986)].

Melendres v. Arpaio, 695 F.3d 990 (C.A.9 (Ariz.), 2012)

Sheriff Joseph M. Arpaio and the Maricopa County Sheriff's Office (collectively, the Defendants) appeal from the district court's order, which granted "partial injunctive relief" prohibiting the Defendants from detaining any individual "based only on knowledge or reasonable belief, without more, that the person is unlawfully present within the United States."

The Plaintiffs contend that the Defendants have a "custom, policy and practice of racial profiling toward Latino persons in Maricopa County and an unconstitutional policy and practice of stopping Latino drivers and passengers pretextually and without individualized suspicion or cause, and of subjecting them to different, burdensome, stigmatizing and injurious treatment once stopped," under the auspices of enforcing federal immigration laws and/or Arizona state immigration-related laws. In particular, the Plaintiffs allege that the Defendants and persons under their control have conducted racially discriminatory traffic stops and launched "crime suppression sweeps," also known as "saturation patrols," targeting Latinos as part of their immigration enforcement plan.

We first conclude that the Plaintiffs were likely to succeed on their claim that without more, the Fourth Amendment does not permit a stop or detention based solely on unlawful presence. Absent probable cause to arrest, a law enforcement officer may conduct an investigatory stop when that police officer reasonably suspects that the person apprehended is committing or has committed a crime. The Supreme Court has explained that the investigatory-stop standard is met in the traffic-stop setting whenever it is lawful for police to detain an automobile and its occupants pending inquiry into a vehicular violation. Nevertheless, a detention beyond the duration of the initial traffic stop must be supported independently by reasonable suspicion of criminality. Accordingly, possible criminality is key to any *Terry* investigatory stop or prolonged detention. *See Terry v. Ohio, 392 U.S. 1, 30, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968)*. Absent suspicion that a "suspect is engaged in, or is about to engage in, criminal activity," law enforcement may not stop or detain an individual. *United States v. Sandoval,* 390 F.3d 1077, 1080 (9th Cir. 2004).

We have long made clear that, unlike illegal entry, mere unauthorized presence in the United States is not a crime. Nor is there any other federal criminal statute making unlawful presence in the United States, alone, a federal crime, although an alien's willful failure to register his presence in the United States when required to do so is a crime, and other criminal statutes may be applicable in a particular circumstance. The Supreme Court recently affirmed that, as a general rule, it is not a crime for a removable alien to remain present in the United States. *Arizona v. United States,* 132 S.Ct. at 2505.

U.S. v. Roberson, 496 Fed.Appx. 390 (C.A.5 (Tex.), 2012)

Is it racial profiling to use race for identification purposes?

Appellant Corey Victor Roberson challenges his conviction for being a felon in possession of a firearm, arguing that police officers had no reasonable suspicion for the Terry stop and frisk that led to the discovery of his firearm.

Transit authority patrol officer had reasonable suspicion to conduct Terry stop on the defendant, where the officer had received a report from transit authority dispatch regarding a possible robbery on a train, which described possible robbers as two African-American males wearing bandanas around their faces. When the officer conducted a sweep of the train, he found the defendant and another individual who matched the description, and when the defendant was detained on the train platform, he began scanning the platform and acting nervous.

Roberson argues that DART police improperly relied on his race when forming reasonable suspicion. Inasmuch as Roberson seeks to argue that race cannot be used in a reasonable suspicion calculus where it was an improper or unjust basis for a seizure or search (such as in racial

profiling cases), he states the obvious. Here, however, race was used only as a way to describe the suspect, and there is no evidence that it was used for any other purpose. Roberson himself acknowledges that race may be used for identification purposes in reasonable suspicion cases. Therefore, race was not an improper basis for Officer Ibarra's *Terry* stop and frisk.

Ferguson v. City of Montgomery, 969 F.Supp. 674 (N.D.Ala. 1997)

The plaintiff was stopped at the Montgomery, Alabama, Greyhound station because police had received an anonymous tip that a "black male" who was acting as a "drug mule" was on his bus. Though the race and gender descriptions matched, the height and weight descriptions did not. The plaintiff was patted down and officers found a pistol, which the plaintiff told them he was carrying because he was a member of the Los Angeles School Police. After the officers realized the plaintiff wasn't the "drug mule," they then believed him to be an escaped prisoner from Pickens County. The Pickens County Sheriff informed them that the plaintiff was not the escaped prisoner and the officers arrested the plaintiff for impersonating a peace officer and for carrying a pistol without a license. Both charges were later dismissed. The plaintiff subsequently filed claims under 42 U.S.C. secs. 1981, 1986, and 1983 (violation of constitutional rights under the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments) against the arresting officers.

The plaintiff later requested that the Eighth Amendment claim be dismissed, which it was. The court dismissed the section 1981 claim for failure to state the claim in the complaint. The court held that in order to bring the section 1986 claim, there must be an implied section 1985 claim that expressly states discrimination due to race or some other class. The plaintiff failed to express such a claim, so he was given 10 days to amend his complaint. The 11th Circuit uses a two-pronged test to determine whether officers are exempt from qualified immunity from Fourth Amendment claims and held that since the officers passed this test, they dismissed the plaintiff's Fourth Amendment claim.

The court held that the plaintiff did not provide sufficient detail for defendants to prepare adequate response to his Fifth, Sixth, and Fourteenth Amendment claims, thus giving the plaintiff 10 days to amend his complaint to provide such detail.

United States v. Pruitt, 174 F 3d 1215 (11th Cir. 1999)

Hispanic motorists who were convicted of drug possession appealed on the basis that the officers had no authority to search their car as the traffic stop was only for speeding. Citing the Supreme Court decision in Knowles, the 11th Circuit agreed with the defendants, reversing their convictions. The court discussed the fact that the defendants' Hispanic appearance and out-of-state license plates resulted in a racial profile "fishing expedition" that would not alone have warranted a stop.

Data collection efforts are an attempt to provide tangible numbers that will enable police and community leaders to better understand their policing activities. With this understanding, police departments will be able to examine and revamp policing strategies based on effectiveness, reconfigure deployment of police resources, or take other measures. Data collection includes both the collection of the numbers and objective analysis of the data, which is often done through a partnership between the police department and outside experts.

Data collection has the potential to allow researchers and police authorities to gauge the proportionality of traffic stops based on racial factors; however, simply collecting race-based data alone may do little to assist a law enforcement agency in answering questions about its practices. In addition, the law enforcement agency must arrange for the analysis and interpretation of what the data mean. This analysis process may lead to more questions than answers, which can be frustrating for both the police and the community.

It is crucial that law enforcement objectives be carried out without the consideration of race; however, we point out that the situation is different when a police officer acts on the personal identifying characteristics of potential suspects, including age, sex, ethnicity, or race. Obviously, when a victim or witness describes the assailant as being of a particular race, authorities may properly limit their search for suspects to persons of that race; thus, it is important to remember that in conducting activities in connection with a specific investigation, police officers may consider race and ethnicity only to the extent that there

is trustworthy information, relevant to the locality or time frame that links persons of a particular race or ethnicity to an identified criminal incident. The following suggestions for police officers may minimize perceptions of racial profiling during traffic stops.

- Make the enforcement decision whether to issue a citation or warning prior to making the stop.
- Introduce yourself to the citizen and inform them of the reason for the stop as soon as possible (name and law enforcement agency).
- Be professional and courteous (research has shown that racial minority citizens are more likely to believe that a police stop was racially motivated if they were treated with hostility and discourtesy).
- Stop for legitimate law enforcement reasons (research has shown that racial minority citizens more likely to believe that a police stop was racially motivated if they were stopped for minor infractions such as a crack in the windshield or a cracked taillight).
- Keep the stop within a reasonable amount of time. Ensure that it does not take longer than necessary to take appropriate action.
- Don't ask inappropriate questions (e.g., How can you afford a car like this?).

Pretextual Stops

The use of pretextual stops by police officers is a significant problem for citizens alleging racial profiling. A pretextual stop is a tactic where police stop an individual for a traffic violation (in most cases a minor traffic violation), in order to investigate and/or search the driver for an unrelated reason; for example, suppose a police officer observes an individual driving slowly through an area that is known for illegal drug activity. The officer suspects that the individual just purchased drugs. The officer begins to follow the individual and notices a cracked taillight. The officer stops the individual for the cracked taillight even though that is not the underlying reason for the stop. The underlying reason is to investigate a possible drug violation. The courts have upheld police authority's use of pretextual stops as an acceptable police tactic.

It is undeniable that if a police officer follows a motorist for any length of time, he or she will observe some type of traffic violation that would legally justify a stop. Many minority citizens believe that the police can hide behind the pretextual stop when race is really the underlying reason for the stop. While the use of the pretextual stop is an important police tactic, officers should not use it as a matter of routine and without suspicion of criminal activity. It is recommended that police officers document every stop that is a pretextual category, articulating the reason the vehicle caught the police officer's attention. This documentation can be useful in the event an allegation of racial profiling is brought up against the officer.

Police Crackdowns

A police crackdown is any dramatic increase in police officer presence, sanctions, and threats of apprehension either for specific offenses or for all offenses in specific areas of a community. Crackdowns usually involve high-risk visibility and numerous arrests. Police crackdowns have been used for drug activity, prostitution, gangs, and other types of street-level crime. They may use undercover or plainclothes officers working with uniformed police, and may involve other official actions in addition to arrests. Because the inner city usually has a disproportionate amount of crime, such as drugs and gangs, the police have utilized crackdowns as an operational strategy. Police should be cautious about conducting crackdowns.

Improperly conducted crackdowns can worsen police–community relations and thereby undermine police legitimacy. Many of the urban riots of the 1960s were at least partly due to widespread crackdowns in minority communities. When crackdowns are aimed at street activity, they can be criticized for their disparate impact on the poor, who typically spend more time on the street than do the affluent. Also, when police use highly aggressive tactics, such as using military strategies, weapons, and attire for relatively routine enforcement and patrol activities, they risk heightening fear among offenders and casual observers.

Police should use careful planning when conducting crackdowns and engage in dialogue with the affected neighborhoods about why there is a need for a crackdown. Studies have shown that when police explain the purpose and scope of crackdowns to the public ahead of time, as well as to the people they stop during crackdowns, they can gain public support, which continues while the crackdown is in effect (Eck & Maguire, 2000).

▶ Police–Minority Relations Today

To say that race and policing are not intertwined is being naïve. We only have to examine one recent case to see how police and race are still intertwined in our system of justice.

You may recall the case that occurred in Cambridge, Massachusetts a few years ago involving the police department and Harvard University Professor Henry Louis Gates Jr., a well-known African-American scholar. Professor Gates was returning to his home after a week of travel abroad in China. Upon arriving at his home located in an upscale predominately white neighborhood just a few blocks away from the Harvard University Campus, he discovered that the front door was jammed. He summoned the help of his driver, also a black man, to assist in forcibly opening the door. An alert neighbor, seeing the two men force the door open, thought that they might be breaking into the house. The neighbor called 9-1-1 to report what she saw to the Cambridge police department. The police dispatcher dispatched patrol units to a possible breaking and entering in progress.

A few moments later, police Sgt. James Crowley, an 11-year veteran of the police department, who is white, arrived on the scene. He reported seeing a black male (later identified as Professor Gates) in the residence. Sgt. Crowley made contact with Professor Gates and requested identification from him. That's when a verbal confrontation ensued between the two men and accounts of what happened next differ. In the end, Professor Gates was arrested for exhibiting loud and tumultuous behavior. The charge was later dropped.

According to Sgt. Crowley, Professor Gates accused him of being a racist police officer. He alleges that Professor Gates went on a verbal tirade demanding to know what he (Sgt. Crowley) was doing. Sgt. Crowley said he attempted to inform Professor Gates several times that he (Crowley) was investigating the report of a break-in progress at the residence.

Professor Gates' explanation of the incident differs from Sgt. Crowley's. The professor said that he gave Sgt. Crowley his driver's license and Harvard University identification card both of which have his photograph. Professor Gates says he repeatedly asked Sgt. Crowley's name and badge number, and Crowley did not furnish that information to him. Professor Gates said he followed the officer as he left his house onto his front porch, and that is when he was handcuffed and arrested.

A blue ribbon committee commissioned to study the incident released its report titled, *Missed opportunities, shared responsibilities: Final Report of the Cambridge Review Committee.* The committee believed that the incident was sparked by misunderstandings and failed communications between both Professor Gates and Sgt. Crowley, and that the incident was avoidable. The committee found that each man felt a certain degree of fear of the other. Sergeant Crowley was responding to a 9-1-1 call of a breaking and entering

in progress, a potentially dangerous situation. His training and 11 years of police experience gave him reason to be cautious. The committee's report goes onto reveal that Professor Gates was also wary of the police. He did not recognize Sergeant Crowley's concerns or why the sergeant wanted him to step outside his own home (Cambridge Review Committee, 2010).

Let's take a look at this incident from professor Gates' worldview. For just a moment, place yourself in Professor Gates shoes. How would you react? Would you question the police officer if you were in your home and had done nothing wrong? Would you challenge the police officer? How do you think Professor Gates should have reacted? Now take a look at the incident from Sgt. Crowley's worldview. Would you have handled this situation differently?

President Barack Obama weighed in on the incident saying in essence that it could serve as a teachable moment. President Obama met with both Sgt. Crowley and Professor Gates at the White House to talk about the incident over some cold beers.

Professor Gates believes the incident centered on him being a black man in America. In essence, he believes that the incident solidifies what black men in America face every day in contacts with the police. The Cambridge police, on the other hand, maintain that they were just doing their job.

The Cambridge incident illustrates the stark complexities of police relations with racial minority communities in America. It also exemplifies the perception that many racial minority citizens share, that they are routinely profiled and stopped, and treated differently simply because of their race.

Progress in the area of race relations in the United States has made great strides in recent years; however, in spite of this improvement, many in the minority community still have a great distrust for the police. Many minority citizens view the police with considerable suspicion. In addition, there is some scholarship that has shown that minority neighborhoods offer the greatest hostility toward the police (Feagin, Vera, & Batur, 2001). The accusation of the police engaging in the practice of racial profiling has further exacerbated the already strained and complex relationship between the police and members of the minority community. One study found that minorities were less likely to have favorable attitudes toward the police as a result of racial profiling (Weitzer & Tuch, 2005).

Contacts with the police also tend to have stronger and longer-lasting effects on the views of African-Americans when compared to whites (Tyler & Hugo, 2002). African-Americans are more likely than whites to leave an encounter with the police upset or angry (Bordua & Tifft, 1971).

Animosity toward the police can clearly be seen when examining racial dimensions; for example, Webb and Marshall (1995) found that African-American communities hold less favorable attitudes toward the police than do white Americans. There is a vast literature base that points to a clear history of negative attitudes that African-Americans hold toward the police when compared to other racial and ethnic groups (Priest & Carter, 1999).

Studies have shown that African-Americans consistently give poor performance ratings to the police when compared to white Americans (Davis, 1990). Whites not only tend to hold more favorable opinions of the police when compared to African-Americans, but they are also more prone to favor aggressive law enforcement, as well as being more skeptical of criticisms of the police (Weitzer & Tuch, 2004).

In one study, African-Americans reported that they were mistreated by the police five times more than whites had reported (Weitzer & Tuch, 1999). Some scholars have attempted to explain these racial differences with the group-position thesis. The group-position thesis holds that when the police are criticized, whites may perceive their group interests indirectly threatened, which may explain in part why whites are dubious or dismissive of allegations of police misconduct when compared to African-Americans (Bayley & Mendelsohn, 1969).

There is some speculation that the hostility that some minority communities hold toward the police is rooted in a very complex and troubling history that dates back to slavery (Alexander & Gyamerah, 1997). The following is a telling description of this history:

> The fact that the legal order not only countenanced but sustained slavery, segregation, and discrimination for most of our nation's history—and the fact the police were bound to uphold that order—set a pattern for police behavior and attitudes toward minority communities that has persisted until the present day. That pattern includes the idea that minorities have fewer civil rights, that the police have little responsibility for protecting them from crime within their communities. (Williams & Murphy, 1990, 4–5)

Professor David Carter (1985) found several reasons that Hispanic crime victims did not report crime to the police. First, because they felt the police would do little or nothing, and their previous experience with the police was bad, some reported that they did not want to bother the police, and some related that they were afraid of the police.

▶ Dangerous Traits and Behaviors

There are a number of dangerous traits and behaviors that have no place in police work. These traits and behaviors can be disastrous in terms of police–minority relations, and can be a potential liability for police agencies. Police supervisors have an obligation to monitor their police officers for signs of bias or other behavioral problems or traits, especially officers who work in minority areas of the community.

Stereotyping

Stereotyping is not only harmful in its own right, it does damage by fostering prejudice and discrimination. Common stereotypes include a variety of allegations about groups based on race, ethnicity, gender, and nationality. Stereotyping is the process of assuming a person or group has one or more characteristics because most members of that group have (or are thought to have) the same characteristics.

stereotyping Unreliable generalizations about all members of a group that do not take into account individual differences within the group.

Stereotypes are based on simplification, exaggeration or distortion, generalization, and presentation of cultural attributes as being natural. It is the simplification and generalization process that helps people categorize and understand their world, but at the same time

STEREOTYPES OF HISPANICS

1. Some police officers consider Hispanics foreigners, without care to their ancestry. Some comment that they should go back to Mexico when, in fact, they are of Cuban heritage.
2. Some officers believe that young Hispanics with low-riding cars are either gang members or school dropouts. While many do ride around in groups, this does not imply gang affiliation.
3. Lazy. This stereotype has developed out of a misunderstanding of Hispanics' laidback behavior.
4. Many officers presume that Hispanics can only speak Spanish. When arriving on the scene, therefore, they might address comments to whichever person is able to speak English.

Source: "Stereotypes of Hispanics" by May S Jackson. Published by Carolina Academic Press, © 2006.

it often leads to errors. When stereotypes are inaccurate and negative (as they often are between groups in conflict), they lead to misunderstandings that make resolving the conflict more difficult. Stereotyping is sometimes the result of fear and may directly lead to prejudice. A police department and a community that can respect cultural differences are much less likely to be fearful of other cultures that are different from their own.

Self-Fulfilling Prophecy

self-fulfilling prophecy The tendency of individuals to respond to and act on the basis of stereotypes, a predisposition that can lead to the validation of false definitions.

In some situations, we may act upon negative stereotypes with the result that false accusations become true. This is called a **self-fulfilling prophecy**. Self-fulfilling prophecy occurs when a person or group described as having a particular characteristic(s) begins to display the very traits attributed to them. Put another way, self-fulfilling prophecy is a phenomenon by which people's expectations about future events lead them to behave in particular ways and, on occasion, can cause the expected event to occur. People tend to find what they are looking for. More than that, they may even tend, unwittingly, to create what they seek; for example, social prejudice believes other people are less capable than us.

SELF-FULFILLING PROPHECY

- The police officer forms certain expectations of people or events.
- The officer communicates those expectations with various cues.
- People tend to respond to these cues by adjusting their behavior to match them.
- The result is that the original expectation becomes true.

Prejudice

prejudice A negative attitude that rejects an entire group.

Prejudice is a negative attitude that rejects an entire group. Prejudice and discrimination are negative manifestations of integrative power. *Prejudice* is an attitude that one may have about another group, while *discrimination* is behavior that deprives a group of certain rights or opportunities. Prejudice does not necessarily coincide with discrimination; for example, a person may have negative attitudes and feelings about another group but never act upon those attitudes and feelings, which would deprive another person of certain rights and opportunity.

Instead of bringing people together, prejudice and discrimination pushes them apart. People show prejudice when they form a negative opinion without knowing all the facts. Prejudice in any form, racial or social, is destructive and costly to society. *Social prejudice* believes other people are less capable. A police officer may think that female police officers or African-American police officers are less capable; thus, the officer will often act on this belief. If a female officer subsequently leaves the police service because of the prejudice, then it is reinforced by the prejudiced officer.

A police agency that allows prejudiced officers who blatantly act on their prejudices to remain on the job can have dire consequences. Officers who exhibit prejudiced behavior should be identified and dealt with expediently by police management. Unfortunately, for many years society accepted racial prejudice; thus, many racial groups, primarily African-Americans who were the disproportionate target of racial prejudice, rebelled, and society in general came to the realization of the destructive force of prejudice. In essence, prejudicial behaviors may force good minority and female police officers to leave police work with a "failure label" that often follows them from law enforcement job to law enforcement job.

Racism

Racism is the hatred of one person by another or the belief that another person is less than human because of skin color, language, customs, place of birth, or any factor that supposedly reveals the basic nature of that person. Put another way, when a person or group thinks that they are superior to another person or group because of their race, the person or group is guilty of racism. When racist belief is applied in practice, it takes forms such as prejudice, discrimination, segregation, or subordination. Racism involves having the power to carry out systematic discriminatory practices. An example of this would be a racist police officer who elects to work in a Hispanic neighborhood so that he can act on his racist tendencies by using the official position of police officer to stop and harass Hispanic citizens.

racism A doctrine that one race is superior. Racism may be expressed individually and consciously, through explicit thoughts, feelings, or acts; or socially and unconsciously, through institutions that promote inequality between races.

WHEN PEOPLE ACT ON THEIR PREJUDICES

You may recall the sobering news headlines that shocked the world in 1998. The sadistic murder of a middle-aged African-American man in Texas is an indication of the savagery that some still hold toward persons simply because of the color of their skin. James Byrd, Jr., 49 years old, was beaten unconscious, chained to the back of a pick-up truck, and dragged for miles over rural roads outside the town of Jasper. It is believed that Byrd survived through most of this experience, that is, until he was decapitated. The suspects, three white men, John William King, Shawn Berry, and Lawrence Brewer Jr., were arrested and subsequently convicted of the crime. Berry gave a confession that implicated the other two as the principal assailants. Both King and Brewer had links to white supremacist groups. In the course of the killing, one of the perpetrators reportedly made a reference to the *Turner Diaries*, a fascistic novel that was in the possession of Timothy McVeigh when he was arrested for his role in the Oklahoma City bombing.

Authoritarian Personality

Authoritarian personality theory views prejudice as an isolated incident that anyone may possess. The authoritarian personality centers on an adherence to conventional values, uncritical acceptance of authority, and a concern for power. This personality is in turn aggressive toward persons who do not conform to conventional norms or authority structures. In essence, police officers who are raised in authoritarian environments will then later treat others as they have been raised. Discrimination would then be acted out against persons or groups who celebrate customs or cultures that are different from the conventional.

authoritarian personality A psychological construct of a personality type likely to be prejudiced and use others as scapegoats.

Scapegoating

Scapegoating contends that prejudiced people believe they are society's victims. The scapegoating theory suggests that individuals, rather than accepting responsibility for some failure, transfer the responsibility for failure to some susceptible group. This is often seen when unsuccessful applicants assume that the minority candidate or woman gets the job that they were denied.

scapegoating When a person or group is blamed irrationally for another person's or group's problems or difficulties.

Labeling Theory

Police officers should avoid labeling a person based on one or several characteristics. An example of this would be a police officer who labels a young African-American male from the inner city a gang member, solely because he is wearing sagging jeans.

labeling theory A sociological approach introduced by Howard Becker that attempts to explain why certain people are viewed as deviants and others engaging in the same behavior are not.

The **labeling theory**, a concept introduced by sociologist Howard Becker, is an attempt to explain why certain people are viewed as different from or less worthy than others. The labeling theory views deviance as a label assigned to behavior and individuals by particular figures of authority. Suppose a Hispanic youth from the inner city misbehaves; according to the labeling theory, he may be considered and treated as a delinquent by police officers. On the other hand, another youth from a white, middle-class family, who commits the same sort of misbehavior, might be given another chance before being arrested by a police officer.

Implicit Bias

implicit bias It is our subconscious feelings, perceptions, attitudes, and stereotypes that have developed over the course of our lives as the result of prior influences and impressions. It is an automatic positive or negative preference for a group, based on our subconscious thoughts.

Many police officers undergo implicit bias training. Implicit bias refers to the automatic association people make between groups of people and stereotypes about those groups. In some situations, those automatic associations can influence behavior. When this occurs, people respond in biased ways even when they are not explicitly prejudiced. Implicit bias is, to some extent, a part of human nature and is not limited to law enforcement officers. Research reveals that bias starts with our automatic tendency to categorize individuals. That is, we employ mental shortcuts to make sense of the world and this process can involve categorizing people we do not know according to group membership, attributing to these individuals the stereotypes associated with their group. Recall some of the stereotypes discussed previously in the chapter. For example, a police officer acting on **implicit bias** may be suspicious of an African-American citizen driving in an affluent white neighborhood. If the officer should act on his suspicion and stop the citizen simply for no other reason, than being African-American and driving in the area, that is racial profiling.

It is important for police officers to self-reflect on their implicit biases and ensure that they do not act on them. This can be as simple as taking a few minutes before going on duty to write down your initial, thoughts and feelings about a group of people that you regularly deal with while on duty. Review the list and ask then yourself if your thoughts and feelings are biased in any way. If so, consider ways in which you can reduce or manage them. Research shows that being aware of our implicit biases is an effective way to manage and reduce them (Devine, Forscher, Austin, & Cox, 2012).

community policing A philosophy in which the police are seen as members of the community, with police officers being part of where they live and work. Community policing often entails a three-pronged approach: (1) partnerships, (2) problem solving, and (3) organizational transformation. Police agencies that subscribe to this philosophy tend to do much more community work than traditional police departments.

▶ Improving Police–Minority Relations

Community Policing

Some contemporary police practices are attempting to mend strained relationships with minority communities. Strategies such as community-oriented policing have been thought to improve the current state of police–minority relations (Reisig & Parks, 2004). **Community policing** presents the idea that the police and community work in partnership to solve crime and other social problems.

As noted in Chapter 4, community policing is a philosophy based on the concept that the police and citizens working together in creative ways can solve contemporary community problems related to crime, fear of crime, social and physical disorder, and general neighborhood conditions. This philosophy is founded on the belief that achieving these goals requires the police to develop a new relationship with citizens, allowing them the power to set local police priorities and involving them in efforts to improve the overall quality of life in their community. Community-oriented policing shifts the focus of police work from just handling random crime calls to addressing community concerns.

Community policing encourages the use of non-law-enforcement resources within a law enforcement agency. Volunteerism involves active citizen participation with their law

enforcement agency. The law enforcement organization educates the public about ways that they can partner with the organization and its members to further community policing, and provides an effective means for citizen input. Volunteer efforts can help to free up officer time and allow sworn personnel to be more proactive and prevention-oriented.

For many years, the police have employed strategies within communities in the same uniform standard, regardless of the social demographics and general makeup of the community. This has been problematic for the minority community, as needs may be significantly different for citizens living in the inner city when compared to citizens living in an affluent suburb. Police officers should be sensitive to demographic differences in these communities and tailor police strategies accordingly. Recognizing the importance of these differences, instead of a one-size-fits-all approach, puts the police and the community in a better position to realize the potential benefits of community policing (Thomas & Burns, 2005).

The community-policing strategy calls for the tailoring of problem-solving approaches to fit the needs of the specific neighborhood. An inner-city neighborhood that is plagued with open sales of drugs on the street corner and gang activity will require different policing strategies when compared with perhaps a more affluent area of the community. Addressing the inner-city drug and gang problems may involve not only enforcement, but also education and intervention strategies. Officers may find it beneficial to solicit the leadership structures within these communities.

It has been well documented that the African-American church has been an important agency of social control and organization among African-Americans (Hill, 2003). The African-American church provided one of the earliest and most recognizable vehicles to begin to develop networks of support and control. It would help police officers working in predominantly African-American neighborhoods to get to know the church leaders in these neighborhoods and solicit their help in tailoring solutions to problems inherent within the neighborhood. This is probably something that most police officers don't often think about.

Other key organizations that police officers may find beneficial to become familiar with and form partnerships with are the Boy's and Girl's Clubs, the Urban League, and the local branch of the National Association for the Advancement of Colored People (NAACP). Organizations such as these can play pivotal roles in assisting police officers who work in minority neighborhoods.

Ronnie Carter describes how community-policing strategies can forge a bond between officers and the community Carter (1995). Two white community police officers in Charlotte, North Carolina, assigned to a housing development devoted many of their off-duty hours to performing improvement projects in the neighborhood. During a robbery attempt, an African-American subject killed the two officers. The city's African-American community, especially the residents of the housing project, reacted with outrage and helped the police department apprehend the assailant. In addition, the housing project tenants recommended that several of the streets and a park in the area be renamed in memory of the slain officers. Media coverage of the officers' funerals showed African-American children and adults in the community grieving along with police officers. This incident illustrates how much impact individual officers can have on a community.

With the use of the community-policing philosophy, it is anticipated that police–community relations will improve as the police and citizens have more contact with each other. This is crucial in those areas of the community, such as minority neighborhoods, where police–community relations have been strained. Community policing is said to improve police–community relations in the following areas:

- Closer relations with underprivileged and minority groups, where the need is greatest for police understanding and involvement.
- More effective and more open communication between the police and the community.

- Increased citizen involvement in crime prevention and solving of social problems as a means of reducing crime.
- Improved understanding between the police and the community, with both gaining recognition of each other's problems.
- Creation of awareness among police–community relations problems and encouragement of officers to help solve them.
- Direction of all department efforts toward improving relations with the total community, whether these involve crime prevention, public relations, or neighborhood problem solving.

Citizen Police Academies

Citizen police academies have increasingly become popular among police departments as a means to foster and improve police–community relations through education. The program is designed to provide a working knowledge and background of the law enforcement agency and to foster a closer relationship between the agency and the community. It provides an avenue for community involvement and first-hand experience of policing. Interested citizens apply for the citizen police academy and if accepted, complete a specified amount of time ranging usually from a few weeks to several weeks, one or two evenings a week.

OBJECTIVES OF THE CITIZEN POLICE ACADEMY IN POLICE–MINORITY RELATIONS

- Enhances understanding of the inner workings of the police department.
- Develops realistic expectations of the police department's response.
- Builds trust and a sense of cooperation between the police department and the community.
- Provides a venue for police–citizen exchange and dialogue.
- Dispels suspicions and misconceptions.

The academy nurtures well-informed citizens who possess greater insight into police practices and services. Graduates of the academy are encouraged to share their knowledge and experiences with the community as the opportunity arises. Everyone benefits from enhancing citizen understanding of the role and function of the police department, which can be seminal in fostering better police–minority relations.

Relationship Building

Police agencies should undertake a critical self-assessment to determine which aspects of its current operations are the source of tensions between their departments and minority neighborhoods in order to improve relations. Where problems are identified, appropriately focused remedies should be developed.

Retired Police Captain Robert Shusta and his colleagues (2002) suggest specific activities that individual police officers can do to improve relations:

- Make positive contact with community group members from diverse backgrounds. Don't let them see you only when something negative has happened.
- Allow the public to see you as much as possible in a nonenforcement role.

- Make a conscious effort in your mind, en route to every situation, to treat all segments of society objectively and fairly.
- Remember that all groups have some bad, some average, and some good people within them.
- Go out of your way to be personable and friendly with minority group members. Remember, many don't expect it.
- Don't appear uncomfortable with or avoid discussing racial and ethnic issues with other officers and citizens.
- Take responsibility for patiently educating citizens and the public about the role of the officer and about standard operating procedures in law enforcement. Remember that citizens often do not understand "police culture."
- Don't be afraid to be a change agent in your organization when it comes to improving cross-cultural relations within your department and between police and the community. It may not be a popular thing to do, but it is the right thing to do.

Develop Community Contacts

As noted earlier in this chapter, it is a good practice for police officers to establish rapport with the local minority organizations, such as the NAACP, the Urban League, Boy's and Girl's Clubs, the minority faith community, Hispanic coalitions, and Asian or Indo-Chinese community centers and coalitions. Developing contacts with organizations such as these will keep officers informed about concerns in the minority community. Police organizations can meet the challenges of promoting and managing a diverse workforce by using the following strategies:

1. Developing training programs that promote awareness of cultural differences.
2. Promoting positive attitudes toward racial and cultural differences among ethnic groups.
3. Recognizing common links between different ethnic groups.
4. Using alternative channels of communication to maximize understanding between ethnic/cultural groups.
5. Expressing organizational concerns.
6. Identifying the concerns and needs of ethnic groups in the decision-making process.
7. Recognizing that no "one-size-fits-all" solutions exist.
8. Challenging all stereotypes and assumptions about ethnic groups.
9. Including members of all ethnic groups in all after-work organization-sponsored events.

Cultural Diversity Training

Knowledge of cultural diversity is important for police officers in the twenty-first century. It has only been in the recent past that police agencies have begun to include diversity training as part of pre-service and post-service training requirements. Education that helps familiarize officers with ethnic and cultural groups in their community is invaluable. Police officers cannot effectively address the community's needs if they do not understand the cultural traditions, mores, and values of that community (DeGeneste & Sullivan, 1997).

Multicultural training can reduce the number of lawsuits, as well as the possibility of civil disorder, but can only succeed with the acceptance and management of cultural

diversity. Historically, strategies employed by police in dealing with minorities and minority issues have differed from those of other groups. While improvements in those strategies have occurred in the past decade, further improvements are needed. Although these improvements have often focused on African-Americans, many cultural diversity issues have similar implications on other racial and ethnic groups. Chief of Police Gary Coderoni, who serves with the Muscatine, Iowa, police department, writes:

> Cultural diversity training helps police break free from their traditional stance of being "apart from" the community to a more inclusive philosophy of being "a part of" the community. Realizing the difficulty of becoming a part of something that they do not understand causes a desperate need for an intense and ongoing educational process for developing an understanding of cultural differences and how those differences affect policing a free and culturally diverse society. (Coderoni, 2002, 34)

There are four primary factors associated with achieving a more culturally aware police organization. First, police officers need to understand how their own cultural background molds their values and behavioral patterns. Second, officers must understand that cultural assimilation no longer is the norm in the United States. Law enforcement officers must learn about the different cultural, ethnic, and racial groups in the neighborhoods they patrol. Third, it is critical that officers understand the effective use of cross-cultural communication. Police officers, who have a deeper insight into the beliefs, behaviors, and value orientations of various **ethnic groups** will rely less often on authority and force to resolve problematic situations. Finally, law enforcement officers must develop cross-cultural communicative, analytical, and interpretive skills (Weaver, 1992).

ethnic group A group set apart from others because of its national origin or distinctive cultural patterns.

Police officers can make their jobs easier by taking the time to learn about various cultures that they will come into contact with. Knowledge of minority concerns, diversity, and historical backgrounds of the various races and groups in a community will enhance and facilitate the crime-fighting and peace-keeping functions of the police (Birzer & Tannehill, 2001). Consider the case of an officer called to the home of an Asian-American family regarding a miscellaneous complaint. In Asian-American families, the relationship and communicating patterns tend to be quite hierarchical, with the father as the identified head of the household. While many of the decisions and activities may appear to be decided by the father, many other people may come into the picture. Generally, if there are grandparents, the father would still act as the spokesperson of the family; however, chances are that he will consult with the grandparents prior to making a decision.

Moreover, it may make police officers' job much easier by taking the time to learn about various cultures they will encounter. Knowledge and sensitivity to racial and ethnic minority concerns, diversity, and historical backgrounds of the various races and groups in a community will enhance and facilitate the crime fighting and service component of police work.

Recruitment of Minority Police Officers

A top priority for many police executives is recruiting and retaining a workforce that reflects their community's diverse culture. The recruitment of women and minorities is essential for police organization. In recent years, there has been significant progress in increasing minorities in the ranks of sworn officers and this must continue.

Increasing the representation of minorities in police departments will foster good police–community relations. Better representation of minorities in policing sends the right message that the police service is open. Increasing diversity within police agencies is important in light of the growing racial and ethnic demographics in the United States.

Courtesy and Professionalism

Police officers' contact with minority community citizens has the potential to yield a relationship in the direction of understanding and cooperation; or conversely, one of suspicion, hostility, and hate. Police officers can improve relations with the minority community by being courteous and professional when interacting with minority citizens. Research has shown that minority citizens are much more likely to suspect that a police stop was racially motivated if they were treated discourteously or not informed of the reason rather than being treated with respect and told why they were being stopped (Police Executive Research Forum, 2001). Contacts with the police tend to have stronger and longer-lasting effects on the views of minorities when compared to whites (Tyler & Hugo, 2002), and minorities are more likely than whites to leave an encounter with the police upset or angry.

The Police Executive Research Forum (2001, 61–62) suggests that an officer who detains a minority citizen can minimize the potential of fear and hostility by following some simple guidelines:

1. Be courteous and professional.
2. Introduce yourself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise your safety or public safety. In vehicle stops, provide this information before asking the driver for the license and registration.
3. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
4. Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
5. Provide your name and badge number when requested, in writing or on a business card.
6. Apologize and/or explain if you determine that the reasonable suspicion was unfounded (e.g., after the investigative stop).

PRACTICE HINTS

In 2015, the Police Executive Research Forum hosted a national meeting of police and community leaders, from around the nation, for a day-long discussion of strategies for building trust between the police and community. They offered five recommendations about ways in which police can demonstrate an understanding of issues in order to build trust.

1. Acknowledge and discuss with your communities the challenges you are facing.
2. Be transparent and accountable.
3. Take steps to reduce bias and improve cultural competency.
4. Maintain focus on the importance of collaboration, and be visible in the community.
5. Promote internal diversity and ensure professional growth opportunities.

▶ The Culturally Competent Police Officer

Police officers should know the racial and ethnic makeup of their communities and especially the areas they patrol. If police officers have this information, they place themselves in an advantageous position to be proactive as problems arise, and thus enhance the relationship that the officers have with the community. Understanding and appreciating diversity ultimately promotes clearer communication, breaks down barriers, strengthens

relationships between the officer and the community, and yields tangible results. Simply put, police officers should be culturally competent; that is, able to effectively operate within different cultural contexts within the community.

culture A system of shared beliefs, values, customs, and behaviors that the members of different groups use to cope with their world and with one another, and that are transmitted from generation to generation.

The term **culture** can be applied to various population categories, but is normally associated with race and ethnicity. Likewise, culture is a system of shared beliefs, values, customs, and behaviors that the members of different groups use to cope with their world and with one another, and that are transmitted from generation to generation. Diversity of race and ethnicity both entices and obstructs a police officer's involvement and interaction with other persons, groups, and cultures (Wallace & Roberson, 2004).

Why should police officers be culturally competent? First, understanding culture will help the officers to understand how others interpret their environment. Culture shapes how people see their world and how they function within that world. Culture shapes personal and group values and attitudes, including perceptions about what works and what doesn't work, what is helpful and what isn't helpful, what makes sense and what doesn't make sense. Second, understanding culture helps police officers avoid stereotypes and biases that can undermine effective policing. Finally, being culturally competent will assist the officers when dealing with problems on their beats.

Officers should be aware that most minorities have developed a sharp sense for detecting condescension, manipulation, and insincerity. There is no substitute for compassion as the foundation and sincerity as its expression in carrying out law enforcement services equally and fairly. The first contact minorities have with the police will either confirm or dispel suspicions as to how they will be treated. When working with immigrant, refugee, or native populations, an officer will find it helpful to learn a few words of greeting from that culture. This willingness to go beyond what is comfortable and usual conveys the officer's intent to communicate. Suppose that a police officer works in an area of the community that has a large population of Hispanics. It would be beneficial for the officer to learn a little about Hispanic culture by:

- Understanding relevant Hispanic cultural characteristics, traits, and values.
- Having greater awareness of the officer's attitudes and behaviors, and the impact these have on the Hispanic community that the officer serves.
- Recognizing the verbal and nonverbal aspects of communication that may impede working relationships.
- Learning some basic phrases in Spanish and responding effectively in encounters with Hispanic citizens.

Cross-Cultural Communication

The way people communicate varies widely between, and even within, cultures. One aspect of communication style is language usage. Across cultures, some words and phrases are used in different ways. When communicating across cultures, never assume the other party has understood. Be an active listener and summarize what has been said in order to verify it. Police officers should develop some understanding of cross-cultural communication. To be professionally competent, officers should be able to communicate across cultures. In an exchange with ethnic minorities, cultural differences can cause communication problems. Officers should be patient, if the situation permits. Officers should respond slowly and carefully in cross-cultural exchanges, not jumping to the conclusion that they know what is being thought and said; however, officer safety should always be a priority.

Eye Contact

You may have heard the adage, "look me in the eye when I'm talking to you." We often assume that when someone doesn't look us in the eye that they are being deceptive; however, this may not be the case at all. Don't read into a situation just because the other person does

not look you in the eyes during the contact. While eye contact is a direct and powerful form of nonverbal communication, in some cultures it is considered disrespectful to look someone directly in the eye in communication. Some Hispanics may not make eye contact. This is a sign of respect and should not be taken as an affront. Similarly, Nigerians, Asians, and Pacific Islanders may avert their eyes during conversation as a sign of respect. On the other hand, Western cultures value direct eye contact as a sign of sympathy or respect; thus, we tend to engage in direct eye contact when communicating.

Social Space

Persons from different cultures use, value, and share space differently. Officer safety demands that police officers keep a safe distance when communicating; however, officers should know that in some cultures it is considered appropriate for people to stand very close to each other while talking, while in other cultures people like to keep farther apart. Social distance may vary with different groups of people; for example, Hispanics often view Americans as being distant because they prefer more space between speakers. Americans often view individuals who come too close as invading their social space. Generally, between 1.5 and 4 feet is considered the personal zone when communicating, and the social zone—that is, walking around in public—is between 4 and 12 feet.

Touching

Officer safety dictates that officers should never allow someone to touch them. If they are close enough to touch you, then they are too close. Nevertheless, officers should recognize that in some cultures people touch when communicating; for instance, in Hispanic and other Latin cultures, two people engaged in conversation often touch and sometimes embrace when greeting each other. In other cultures, people are more restrained in their greetings. In the Asian/Vietnamese cultures, for example, it is not customary to shake hands with individuals of the opposite sex.

▶ Hate and Bias Crimes

Because the United States is rich in racial and ethnic diversity, and because some members of society engage in racist and prejudiced behavior, police officers will be called to investigate the incidence of **hate crimes**. The Federal Hate Crime Statistics Act defines hate or bias crime as crime "motivated, in whole or in part, by hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, national origin, or disability." Federal laws and state statutes protect individuals from hate and bias crimes and provide a basis for prosecution of offenders.

hate crime A crime where the offender chooses the victim based on the victim's race, ethnicity, or religion.

The fundamental cause of hate crimes in the United States is the persistence of racism, anti-Semitism, and other forms of bigotry. The attempt to eliminate these prejudices requires that Americans develop respect for differences and begin to establish dialogue across ethnic, cultural, and religious boundaries. While bigotry cannot be outlawed, effective response by public officials and law enforcement authorities to hate violence can make a difference in deterring and preventing these crimes.

Hate crimes are actions intended to harm or intimidate people because of their race, ethnicity, sexual orientation, religion, or other minority group status. They are also referred to as *bias crimes*. Recently, in Texas, two white teens brutally beat and sodomized a Hispanic teenager simply because he was Hispanic. The perpetrators screamed racial epithets and doused the victim with bleach in an attempt to hide their fingerprints. The attack on the victim is an example of the growing incidence of hate crimes based on race in the United States. The U.S. Department of Justice reports that most hate crimes are motivated

based on the race of the victim (especially anti African-American crimes), rather than on ethnicity, religion, or sexual orientation.

According to the Southern Poverty Law Institute, a nonprofit organization that tracks hate crimes, there are over 900 known hate groups operating in the United States. Hate groups include neo-Nazis, Klansman, White nationalists, Black separatists, border vigilantes, neo-Confederates and the like. Hate crimes do more than threaten the safety and welfare of the citizenry; these crimes inflict on victims incalculable physical and emotional damage and tear the very fabric of society. Crimes motivated by atrocious hatred toward particular groups not only harm individual victims, but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs.

The FBI collects data about both single-bias and multiple-bias hate crimes. For each offense type reported, law enforcement must indicate one bias motivation. A single-bias incident occurs when one or more offense types within the incident are motivated by the same bias. A multiple-bias incident occurs when more than one offense type occurs in the incident and at least two offense types are motivated by a different bias. The majority of law enforcement agencies submit hate crime data to the uniform crime report.

SINGLE-BIAS HATE CRIME INCIDENTS REPORTED IN 2016

- 57.5 percent were motivated by a race/ethnicity/ancestry bias
- 17.7 percent resulted in sexual-orientation bias.
- 21 percent were motivated by religious bias.
- 11.6 percent stemmed from ethnicity/national origin bias.
- 2 percent were motivated by gender-identity bias
- Just over 1 percent were prompted by disability bias.

Source: Uniform Crime Reports, 2016.

Responding to Hate Crime

Because of their unique psychological impact on the victim, hate crimes can have a more devastating effect than other crimes both in terms of the victim and the victim's community. Police officers play a critical role in responses to hate crimes. As the responding officer to allegations of hate crimes, the officer can document overt signs of hate motivation and set the tone with victims and witnesses that can impact their cooperation.

Hate crimes are considered message crimes, crimes that send a message of fear and terror, based on a foundation of bigotry. These crimes have a significant impact on the victim's community. As a result, a seemingly insignificant incident can exacerbate existing tension within the community, with the potential for reprisals and escalating violence. Therefore, hate crimes demand a special response from law enforcement and victim assistance professionals. The victims of hate crime often suffer serious and long-lasting traumatic stress that can be made worse by an inappropriate response.

When a police officer is called to the scene of a crime and subsequently discovers what is believed to be a hate crime, the officer should follow sound preliminary crime scene investigative procedures. In conducting the initial investigation, the handling police officer should first, if necessary, restore order, taking any necessary actions to gain control of the situation. As suggested throughout this book, police officers should always refer to their department's standard operating procedures for specific response and investigative

guidelines regarding hate and bias crimes. Procedural steps in responding to hate and bias crime scenes may include the following:

- Protect and secure the scene.
- Collect and photograph evidence such as hate literature, spray paint cans, threatening letters, and symbolic objects used by the groups (e.g., swastikas, crosses).
- Identify any injured parties and take steps to provide for medical assistance.
- Determine whether any suspect(s) are present and, if so, take appropriate enforcement measures.
- Identify witnesses or others who have knowledge of the crime.
- Express empathy for the victim and show a sincere interest in the victim's well-being.
- Express the police agency's official position on the importance of hate and bias crimes, the measure that will be taken to apprehend the suspect(s), and the officer's and department's interest in the victim's well-being.
- Assist the victim in identifying and contacting community-based individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, religious community, or agencies that provide counseling, shelter, food, clothing, child care, or other related services as needed.

PRACTICE HINTS

BIAS CRIME INDICATORS

- The race, religion, ethnicity/national origin, disability status, gender, or sexual orientation of the victim differs from that of the offender.
- The victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred.
- The incident coincided with a holiday or a date of particular significance to the victim's group.
- The victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim's group, or the victim was in the company of a member of the targeted group.
- Animosity exists between the victim's group and the offender's group.
- The perpetrator's comments, gestures, or written statements reflect bias, including graffiti or other symbols.
- Bias-related drawings, markings, symbols, or graffiti were left at the scene of the incident.
- Absence of any other motive, such as economic gain.

When conducting the follow-up investigation to a hate or bias crime, officers should:

- Interview victim(s) and witnesses thoroughly and respectfully.
- Secure evidence by taking photos of offensive graffiti or other symbols of bias.
- Document the circumstances and apparent motives surrounding the event.
- Locate and arrest any suspected perpetrators not apprehended at the scene.
- Provide the district or shift supervisor with information that can be responsibly reported to the media.
- Inform victim(s) of what is likely to happen during the continuing investigation.
- Appeal to witnesses to come forward by canvassing the community.
- Offer rewards for information about the incident, when possible.
- Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.
- Collaborate with the responding officers to complete any written reports required by their department, state, and federal agencies.
- Notify the FBI if further assistance with investigations is needed.

Type of Hate/Bias Offenders

Professors Jack Levin and Jack McDevitt (1993) of Northeastern University have identified three general types of hate/bias offenders: thrill-seeking offenders, reactive offenders, and mission offenders. Hate and bias crimes sometimes don't specifically fit into categories; nevertheless, Professors Levin and McDevitt's typology provides a general framework in the investigation of hate/bias crimes.

Thrill-Seeking Offenders Groups of teenagers who go outside their "turf" and spontaneously vandalize property or attack members of groups they consider to be inferior to them (as well as vulnerable). These offenders are not typically associated with a hate group and their manifested hatred of the victim is superficial. Such offenders may often be deterred from repeating the crimes if the community responds with a strong condemnation of their actions.

Reactive Offenders These individuals have a sense of entitlement with regard to their rights and privileges that does not extend to their victims. They victimize individuals or groups of individuals on their own "turf" whom they consider to be a threat to their way of life, community, place of work, or privilege, and then apply the rationale that their aggression is a justifiable defensive action. Rarely are they affiliated with an organized hate group, although they may approach such a group for assistance in mitigating the perceived threat. If the perceived threat subsides, the criminal behavior generally subsides.

Mission Offenders These individuals are often psychotic and suffer from mental illnesses that cause them to hallucinate and impair their ability to reason. They typically perceive their victim groups as evil or subhuman, believe that they have been empowered by a higher force to rid the world of evil, and feel intense paranoia and a sense of urgency that they carry out their mission. Generally operating alone, their crimes are violent in nature and may be carried out indiscriminately against any member of the target group in the community.

In 1998, the International Association of Chiefs of Police (IACP) held a hate crimes summit. As a result of the summit, there were a number of recommendations made to advance the understanding of hate crime, prevent hate crime, and improve the effectiveness of response to this complex social problem. According to the IACP, law enforcement agencies must assume a central role in implementing the hate crime prevention, response, and performance measurement strategies. To encourage and enable law enforcement agencies to lead community-wide endeavors, summit participants recommended 12 actions:

1. Establish a "zero-tolerance" atmosphere in every law enforcement agency.
2. Encourage local jurisdictions to conduct hate crime summits.
3. Participate in collaborative development of coordinated approaches to prevent and respond to hate crimes.
4. Sponsor and participate actively in community events, forums, and activities concerning diversity tolerance, bias reduction, conflict resolution, and hate crime prevention.
5. Respond to and support the individual victims of hate crimes and their communities.
6. Employ community-policing strategies to prevent and respond to hate crimes.
7. Continuously investigate, track, and deal appropriately with the activities of organized hate groups.

8. Identify and report all bias-related incidents and hate crimes completely and accurately.
9. Ensure that all law enforcement professionals are trained to recognize and respond appropriately to hate crimes.
10. Assist schools and colleges to design and deliver hate crime prevention curricula and develop response protocols.
11. Engage the media as partners in preventing hate crimes and restoring victimized communities.
12. Collaborate in defining measurable outcomes of efforts to prevent and respond to hate crimes (International Association of Chiefs of Police, 1998, 8–10).

Summary

- America's racial and ethnic makeup is changing rapidly. In recent years, Hispanics have grown faster than the population as a whole. By the year 2020 it is projected that one out of four U.S. residents will be Hispanic or Asian.
- Police–community relations have at times been less than congenial, especially in minority communities. Likewise, relationships between minority communities and the police have been slow to develop. Not only do minorities have distrust toward the police, but research shows that they possess more negative attitudes toward the police when compared with white Americans.
- The past injustices inflicted on minorities have had a profound effect on the nature of police–minority relations. Past incidents of real or perceived police abuse have sparked civil unrest, including costly and violent uprisings, and a lingering distrust between racial minority communities and the police.
- Many in the minority community feel that they have been unfairly stopped by the police simply because of the color of their skin. There is some evidence suggesting that the police disproportionately target and stop minority citizens for traffic-related stops.
- Racial profiling is any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual, or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity. Racial profiling has a devastating effect on police–minority relations.
- The bias-based policing definition is believed to be more encompassing when compared to racial profiling. Bias-based policing is stopping or subjecting a citizen to differential enforcement activities based solely on the person's classification, such as race, ethnicity, gender, sexual orientation, religion, age and the like.
- Many states have responded to allegations of racial profiling by requiring police officers to record data pertaining to age, race, gender, ethnicity, reason for stop and alleged violation, date, time, location, license plate number, warning given, citation given, whether an arrest was made, if there was a personal search conducted, if a search of the vehicle was conducted, whether contraband was found, if items were seized for forfeiture, and the authority for the search.
- Police officers' actions should be professional at all times. There are several behaviors that police officers should avoid: scapegoating, self-fulfilling prophecy, prejudice, racism, and labeling. These traits and behaviors can be disastrous in terms of police–minority relations and in potential liability.
- Many police departments have responded to deteriorating relations with minorities with strategies such as community policing. Community-policing efforts have the potential to serve as powerful conduits for such community access. By actively embracing community input toward crime and disorder reduction, police can demonstrate the benefits of mutual respect and open communication. With community policing, citizens are viewed by the police as partners who share responsibility for identifying priorities, and developing and implementing responses to neighborhood problems.

- Community policing encourages the use of non-law enforcement resources within a law enforcement agency. Volunteerism involves active citizen participation with their law enforcement agency. The law enforcement organization educates the public about ways that they can partner with the organization and its members to further community policing, and provides an effective means for citizen input.
- With the use of community-policing philosophy, it is anticipated that police–community relations will improve as the police and citizens have more contact with each other. This is crucial in those areas of the community, such as minority neighborhoods, where police–community relations have been strained.
- Citizen police academies are another tool that may improve police relations in the minority community. The purpose of the citizen police academy is to foster better communication between citizens and police through education. The program is designed to provide a working knowledge and background of the law enforcement agency and to foster a closer relationship between the agency and the community.
- Recruiting more minorities into police service is necessary to improve police–minority relations; for example, in California, in an effort to improve police–community relations in the minority community, police departments are concentrating on including diverse members of their community into programs and decision-making.
- Police agencies should undertake a critical self-assessment to determine which aspects of its current operations are the source of tensions between their departments and minority neighborhoods in order to improve relations. Where problems are identified, appropriately focused remedies should be developed.
- Knowledge of cultural diversity is important for police officers in the twenty-first century. It has only been in the recent past that police agencies have begun to include diversity training as part of their pre-service and post-service training requirements. Education that helps familiarize officers with ethnic and cultural groups in their community is invaluable. Police officers cannot effectively address the community's needs if they do not understand the cultural traditions, mores, and values of that community.
- Police officers should focus on establishing rapport with local minority organizations, such as the NAACP, Urban League, Boy's and Girl's Clubs, minority faith community, Hispanic coalitions, and Asian or Indo-Chinese community centers and coalitions. Developing contacts with organizations such as these will keep officers informed about concerns in the minority community. This also has the potential to improve communication between the police and these organizations, which may assist in fostering better relations with the minority community.
- Police officers should know the racial makeup of their communities and especially the areas that they patrol. If police officers take some time and learn a little about cultural differences in the community, they place themselves in an advantageous position to be proactive, address problems, and enhance the relationship they have with the community.
- Understanding and appreciating cultural differences ultimately promotes clearer communication, breaks down barriers, strengthens relationships between the officer and the community, and yields tangible results. Simply put, police officers should be culturally competent; that is, be able to effectively operate within different cultural contexts within the community.
- According to the Southern Poverty Center, a nonprofit organization that tracks hate crimes, there were over 1,000 known hate groups operating in the United States in 1998. The Federal Hate Crime Statistics Act defines hate or bias crime as crime "motivated, in whole or in part, by hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, national origin, or disability."
- Hate and bias crimes are considered message crimes, crimes that send a message of fear and terror, based on a foundation of bigotry. These crimes have a significant effect not only on the victim, but also the victim's community. As a result, a seemingly insignificant incident can exacerbate existing tension within the community, with the potential for reprisals and escalating violence.
- Hate crime offenders have been classified as thrill-seeking offenders, reactive offenders, and mission offenders.

Chapter Discussion Questions and Activities

1. Interview members of various minority groups regarding their perceptions of the police. Share and discuss the findings with the entire class.
2. Interview a police officer regarding the officer's perception of the current state of police–minority relations.
3. Discuss as a class ways that the police can improve relations in the minority community.
4. Discuss sources of police–community tensions.
5. Discuss what it means to be a culturally competent police officer.
6. Interview members of different races. Ask them if they think that the police engage in racial profiling. Do their answers differ based on their race? Share and discuss the findings with the entire class.

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13 Crime Mapping and Analysis

CHAPTER OUTLINE

- Introduction
- Crime Analysts
- Crime Mapping
- Should Crime Information Be Made Public?
- Does Hot Spot Patrolling Simply Cause Crime to Move Around the Corner?
- Hot Spot Theories on Crime
- Summary

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Explain the role of crime analysts.*
- *Explain how computerization changed the concepts involved in crime mapping.*
- *Illustrate how geographic information systems (GIS) are currently used in crime mapping.*
- *Discuss the types of information that crime maps can provide the police.*
- *Discuss the merits of whether crime information should be made public.*

▶ Introduction

What locations are hot for auto theft right now? Assume you are a crime analyst employed by a major metropolitan police department. How would you answer that question if it was posed to you by your chief?

This chapter contains an overview of crime mapping. It is not designed to make you proficient in the art. Readers who are interested in further study in crime mapping may refer to three excellent publications that may be obtained without charge from the U.S. Department of Justice: Ronald Clarke and John E. Eck's "Crime Analysis for Problem Solvers in 60 Small Steps"; Jacqueline Cohen's "Development of Crime Forecasting and Mapping Systems for Use by Police"; and Keith Harries's "Mapping Crime: Principle and Practice."

▶ Crime Analysts

Many police agencies employ one or more crime analysts, but some of the largest and more advanced police organizations do not. When employed, the job of the crime analyst is often narrowly limited to tabulating crimes that occur. In others, it extends to identifying patterns of crimes, with the primary objective of identifying the likely offenders, so that they can be apprehended. In its more ambitious form, the crime analyst's job may include identifying factors contributing to a crime pattern, but the job of deciding how to respond to these factors is usually deferred to operational personnel, who then tend to use traditional means for dealing with them.

Meanwhile, the field of crime analysis itself has grown much more sophisticated. A strong literature on its potential is now available. The ability to electronically capture, store, and retrieve massive amounts of data that police routinely collect is infinitely greater than it was just a few decades ago. The capacity of mapping crime geographically is stunning, and is now a major, indispensable tool in crime analysis. Standard approaches have been developed for the collection, analysis, and dissemination of intelligence across jurisdictional lines, but problem analysis is not the exclusive domain of technicians. Everyone in a police agency, from officers on the beat to police executives, and, more broadly, those in both the public and private sector concerned about crime should incorporate the line of thinking set forth here into the perspectives they bring to their work (Clarke & Eck, 2003, v–vi).

Frequently, crime analysis and intelligence are considered the same. While there are areas where the two are similar, there are also areas where they are vastly different. In small law enforcement agencies, the analyst will likely perform both types of analyses. The primary purposes of crime analysis are to reduce crime; identify and analyze patterns, trends and problems; and disseminate information that helps solve or reduce crime. Crime analysis is generally focused on local law enforcement. Intelligence analysis is generally focused on larger issues. Intelligence analysis' primary purpose is to disseminate collective information about criminals, particularly organizations and conspiracies. The intelligence investigative process looks for information on the structure and hierarchy of criminal organizations, flow of money and goods, relationships, and personal information of participants.

Crime analysis' goal is to assist law enforcement agencies to become more effective through better information. The information that analysts provides can help agencies to perform the following functions:

- Solve crimes.
- Develop effective strategies and tactics to prevent future crimes.
- Find and apprehend offenders.
- Prosecute and convict offenders.

- Improve safety and quality of life.
- Optimize internal operations.
- Prioritize patrol and investigation.
- Detect and solve community problems.
- Plan for future resource needs.
- Enact effective policies.
- Educate the public.

Crime analysts, like most police officers, spend most of their time looking at noncriminal incidents, including disorder calls, noise, domestic disputes, and traffic accidents. Because of this, many departments use the terms "public safety analysis" or "police information analysis" instead. The latter terms are probably more descriptive terms for the analysts. To measure the performance of an agency or to compare rates and locations of crime, an analyst needs to be proficient in statistics.

In addition to the standard crime data, crime analysts often use nontraditional police databases to analyze crime-related issues. Those databases include the following:

- Motor vehicle registration data
- County real estate data
- Business licenses
- Telephone directories
- Pawn data
- GISs; Online geographic mapping applications
- National Insurance Crime Bureau (NICB)
- Social Security Index (SSI)
- News media

Police in Action: NATIONAL LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY CENTER (NLECTC) SYSTEM

While the basic concepts remain the same, crime mapping is in a state of flux and is constantly improving or changing. For current information on crime mapping, log on to NIJ's Mapping and Analysis for Public Safety (MAPS) website; or to the NLECTC system. The Justice Technology Information Center (JTIC) is a component of the National Institute of Justice's National Law Enforcement and Corrections Technology Center (NLECTC) System. The center functions as an information resource for technology and equipment related to law enforcement, corrections and courts and as a primary point of contact for administration of a voluntary equipment standards and testing program for public safety equipment.

The JTIC is major part of the realignment of the NLECTC System and includes the Justice Innovation Center for Small, Rural, Tribal, and Border Criminal Justice Agencies. The JTIC focuses on the unique law enforcement challenges faced by those types of agencies; the National Criminal Justice Technology Research, Test and Evaluation Center, which provides technology-related research and testing and operational evaluations of technologies; and the Forensic Technology Center of Excellence, which supports technology research, development, testing, and evaluation efforts in forensic science. In addition, a Priority Criminal Justice Needs Initiative exists to assess and prioritize technology needs across the criminal justice community. A quick web search of justnet.org or any of the previously noted centers will provide the reader with the needed contact information.

▶ Crime Mapping

Evidence from clay tablets found in Iraq indicates that crime maps have been around for several thousand years—perhaps tens of millennia (Harries, 1999). The French cartographers in the nineteenth century used national maps in attempts to identify crime patterns. European cartographers conducting studies on the social ecology of crime studied the locations of crime to provide several important insights regarding crime. The studies began with the work of Guerry in France in 1833, Quetelet in Belgium in 1833, and Greg in the Netherlands in 1835. They examined reported incidents of crime and mapped the incidents on topographic maps.

In the 1920s, Parks and Burgess (followed by Shaw and McKay) studied crime rates in Chicago by mapping the reported crimes on a map. They divided the map using concentric zones to support their social disorganization theories of crime causation (Winters, Globokar, & Roberson, 2014, 89).

Shaw and McKay's mapping efforts produced a classic analysis on juvenile delinquency in Chicago. Their work is generally recognized as the landmark piece of research involving crime mapping in the first half of the twentieth century. Shaw and McKay mapped thousands of incidents of juvenile delinquency and analyzed relationships between delinquency and various social conditions (Harries, 1999, 6).

Crime mapping has long been an integral part of the process known today as *crime analysis*. The New York City Police Department, for example, has traced the use of maps back to at least 1900 (Vann & Garson, 2003, 1). The traditional crime map was a jumbo representation of a jurisdiction with pins stuck in it. The old pin maps were useful for showing where crimes occurred; however, the maps had several serious limitations. When they were updated, the prior crime patterns were lost. While raw data could be archived, maps could not, except perhaps by photographing them. The maps were static; they could not be manipulated or queried. It would have been difficult to track a series of robberies that might overlap the duration (a week or month) of a pin map. Also, pin maps could be quite difficult to read when several types of crime, usually represented by pins of different colors, were mixed together. Pin maps occupied considerable wall space. One researcher noted that to make a single wall map of the 610 square miles of Baltimore County, 12 maps had to be joined, covering 70 square feet. Pin maps had limited value—they could be used effectively, but only for a short time. Pin maps are, however, sometimes used today because their large scales allow patterns to be seen over an entire jurisdiction in detail. The manual approach of pin mapping has generally been replaced by computer mapping (Harries, 1999, 3).

Probably the first use of computerized crime mapping in applied crime analysis occurred in the mid-1960s in St. Louis, Missouri, by McEwen and Research Management Associates, Inc. One of the early contributors to computerized crime mapping was Lloyd Haring, who organized a seminar on the geography of crime at Arizona State University around 1970. Early computer mapping efforts used line printers as their display devices, so their resolution was limited to the physical size of the print characters. This precluded the use of computer maps for the representation of point data, at least until plotters that were able to draw finer lines and point symbols came into more general use (Harries, 1999, 22). According to Harries (1999, 23), even as late as 1980 it was necessary to wait for improvements in desktop computer capacity, printer enhancements, and price reductions before desktop mapping could become an everyday, broadly accepted practice.

geographic information systems (GIS) Computerized systems that consist of a constellation of hardware and software that integrate computer graphics with a relational database for purposes of managing and displaying data about geographic locations.

Presently, **geographic information systems (GIS)** are used in most major police departments for crime mapping. GIS are computerized systems that consist of a constellation of hardware and software that integrate computer graphics with a relational database for purposes of managing and displaying data about geographic locations. GIS are designed to respond to interactive queries by analyzing and displaying spatial data.

GIS were first developed as tools to manage natural resources and land and to monitor variables about forests, wildlife, and other factors affecting our ecological systems. A Canadian, Roger Tomlinson, is credited with developing the first system in 1963 to help manage Canada's national land inventory (Vann & Garson, 2003, 8). By the late 1960s, computer crime mapping began with the use of large mainframe computers and punch cards.

Generally, a GIS has four subsystems: data input, date storage and retrieval, manipulation and analysis, and reporting. The manipulation and analysis subsystem has two aspects: the database management system and the geographic or spatial analysis system.

Police in Action: DOES GEOGRAPHY HAVE A MAJOR INFLUENCE ON CRIME?

According to NIJ's Mapping and Analysis for Public Safety (MAPS) program, geography has a major influence on crime. The features and characteristics of cityscapes and rural landscapes can make it easier or more difficult for crime to occur. The placement of alleys, buildings and open spaces, for example, affects the likelihood that a criminal will strike. Combining geographic data with police report data and then displaying the information on a map is an effective way to analyze where, how, and why crime occurs.

Source: NIJ website at https://nij.gov/topics/technology/maps/pages/welcome.aspx, accessed online April 5, 2018.

Using Crime Maps

Constructing a crime map involves taking a set of data and making decisions consistent with the hypothetic–deductive process. Decisions need to be made about the kind of map to be prepared, how symbols or shading will look, how statistical information will be treated, and so forth. These decisions must be based on the objective to be achieved, including consideration of the target audience.

Maps can provide a rich variety of information, including, but not limited to, location, distance, and direction, as well as pattern for maps displaying point or area data. Each type of data means different things to different users.

Location may be the most important of all types of information to be represented on, or gleaned from, a map from the perspective of a crime analyst. Where things have happened, or may happen in the future, is the most sought after and potentially useful piece of information because it has so many implications for investigators and for the allocation of patrol and community resources, in addition to utility in the realms of planning and politics.

Distance is not much used as an abstract piece of information. It comes to life when translated into relationship: How far did the victim live from the place where she was robbed? What is the maximum distance police cars can travel within a specific urban environment to provide acceptable response times? How far could a suspect have gone in a particular time period?

Direction is most useful when considered in conjunction with the distance, although it is not typically an important piece of map information in crime analysis unless it relates to other relevant processes or conditions. It is generally used in a broadly descriptive context, such as "the hot spot of burglaries is spreading to the west," or "serial robberies are moving southeast," or "the east side is becoming a high-crime area" (Harries, 1999, 19).

Pattern is a useful concept in crime analysis, as so much of what crime analysts do involves describing or analyzing the pattern of crime occurrences. Pattern can be a powerful

investigative tool because the way points are arranged may tell us something about the process driving that arrangement. Patterns are usually classified as random, uniform, clustered, or dispersed. In a *random arrangement*, points are just as likely to be at any place on the map as at any other. Points are distributed haphazardly around the map. A *uniform pattern* has points that are equally spaced. Alternatively, it can be said that in a uniform distribution the distance between neighboring points is maximized. In a *clustered pattern*, points are clumped together with substantial empty areas. In a dispersed pattern, the points are scattered over the area.

Harries (1999, 19) cautions against assuming that the nonrandom distributions (uniform and clustered) automatically mean that some interesting underlying process is at work, providing useful information about crime. This may or may not be true. Harries noted that burglaries may show up in a cluster, suggesting a hot spot, but further investigation shows that the cluster corresponds to a neighborhood with a dense population, so the high frequency is no more than an expression of the geography of risk. The terms describing the types of patterns are subject to some semantic confusion; for example, what does *dispersed* mean? A dispersed pattern could be random or uniform. Is "less dispersed" the same as "clustered"?

Harries (1999, 32) notes that maps are often thought of solely as display tools. In fact, maps have a wide-ranging role in the process of research, analysis, and presentation. Mapping is most effective when those broad capabilities are recognized and used to their fullest extent. The map is the product of a process that starts with the first-responding officer's report that is processed by data entry personnel, entered into a database, and transformed into a symbol on paper. In this narrow interpretation, a map is merely a picture or part of a database.

In visual thinking, the map is used to generate ideas and hypotheses about the problem under investigation. By inspecting a map, we may notice a relationship, or correlation, between environmental factors that otherwise might have gone unnoticed. This correlation may be vertical in the sense that we see connections between different phenomena, such as crimes, land uses, and demographics. Alternatively, we may see a horizontal relationship in which we recognize a common factor across a crime type, such as graffiti in similar types of crime locations. Visual thinking is a private activity involving exploration and confirmation.

In the exploratory phase, maps may be crude and are not intended for display or publication. A computer-printed map of burglary patterns for the most recent week might be marked with handwritten information provided by investigators or with other data not in digital form. Information might be transcribed from a mental map to a paper map.

Another possibility, noted by Harries (1999, 22), is that the tools of exploratory spatial data analysis (ESDA) are used to find anomalies in data, such as an unexpected cluster of incidents, that could point to unexpected relationships. At this stage, the analyst may generate a formal hypothesis, or educated guess, to explain the process producing the observed crime pattern. Did the observed cluster of burglaries pop up by chance? Is there some recognizable cause? Is a serial burglar operating in the area? Do officers in the field have insight to offer? By developing a hypothesis, the analyst is in the mainstream of scientific research, using a venerable methodology.

School COP Program A computer program that does mapping with bitmap images. Incidents (crimes) are geo-coded when you pick the location where they occurred. After the data is entered, you can map all incidents or any subset of incidents.

Using GIS

There are numerous GIS programs or software that may be used by a crime analyst. The National Institute of Justice (NIJ) has a free program that may be downloaded and used as crime mapping software or as a training aid. Check the NIJ website for downloadable copy. The program, referred to as the **School COP Program**, does mapping with bitmap images. It contains a setup program that allows you to establish different locations on the

image. Incidents (crimes) are geo-coded when you pick the location where they occurred. After the data is entered, you can map all incidents or any subset of incidents.

The Crime Mapping Research Center (CMRC) was established in 1997 by the NIJ. Its mission is to promote the use of crime mapping in law enforcement. The center was later renamed the NIJ's Mapping and Analysis for Public Safety. The website also offers free software, including CrimeStat (spatial statistical tools). It has a Crime Mapping Tutorial, which is a self-paced course that will help you produce crime maps. Many police departments have websites that provide crime pattern and trend data for their jurisdictions. The Oakland, California, Police Department has a **Crimewatch** website that allows individuals to map a selection of various crimes. The crimes may be displayed by police beat, district, or street address. Crime mapping and GISs are popular applications within the law enforcement community. In the past few years, law enforcement agencies have shown an increasing interest in a variety of information technologies. Police operations are information driven. Police officers and administrators are more comfortable with technology and its use for analysis and decision-making than ever before. Police would like to use technology such as the Internet to reduce requests on staffing, yet still provide services to the community. Expanded functionality in computer-aided dispatch and record management systems, mobile data terminals, the Internet, and GIS have allowed law enforcement to more easily share data and partner with people and organizations in problem solving (Wartell & McEwen, 2001, 1).

Crimewatch An Oakland, California, Police Department website that allows individuals to map a selection of various crimes. The crimes may be displayed by police beat, district, or street address.

GIS-based information-sharing systems are increasingly being used by other countries. Crime and Disorder Reduction Partnerships (CDRPs) in England and Wales are used to support their efforts to reduce crime and disorder and improve community safety. At present, there are more than 20 major systems distributed at either the regional, county, and/or district level in England and Wales that service CDRPs, with new systems in the planning stages (Chainey, 2006).

Police in Action: WHAT DO WE MEAN BY "CRIME ANALYSIS"?

As noted by the International Association of Crime Analysts, crime analysis is a profession and process in which a set of quantitative and qualitative techniques are used to analyze data valuable to police agencies and their communities. It includes the analysis of crime and criminals, crime victims, disorder, quality of life issues, traffic issues, and internal police operations, and its results support criminal investigation and prosecution, patrol activities, crime prevention and reduction strategies, problem-solving, and the evaluation of police efforts (IACA, 2017).

Why Map Crime?

As noted by the NIJ's *Briefing Book on Crime Mapping* (National Institute of Justice, 2016), crimes are human phenomena; therefore, their distribution across the landscape is not geographically random. For crimes to occur, offenders and their targets—the victims and/or property—must, for a period of time, exist at the same location. Several factors, from the lure of potential targets to simple geographic convenience for an offender, influence where people choose to break the law. Therefore, an understanding of where and why crimes occur can improve attempts to fight crime. Maps offer crime analysts graphic representations of such crime-related issues.

Mapping crime can help law enforcement protect citizens more effectively in the areas they serve. Simple maps that display the locations where crimes or concentrations of crimes have occurred can be used to help direct patrols to places they are most needed. Policy makers in police departments might use more complex maps to observe trends in criminal activity, and maps may prove invaluable in solving criminal cases. Detectives may use maps to better understand the hunting patterns of serial criminals and to hypothesize where these offenders might live.

Using maps that help people visualize the geographic aspects of crime, however, is not limited to law enforcement. Mapping can provide specific information on crime and criminal behavior to politicians, the press, and the general public (Santo, 2017).

Hot Spots

Crime is not spread evenly across maps, it clumps in some areas and is absent in others. People use this knowledge in their daily activities. They avoid some places and seek out others. Their choices of neighborhoods, schools, stores, streets, and recreation are governed partially by the understanding that their chances of being a victim are greater in some of these places than in others. In some places, people lock their cars and secure belongings, while in other places they do not. Along some streets people walk swiftly and view approaching strangers with suspicion. Along other streets, they casually stroll, welcome the next interesting person they might meet, and notice others making the same choices in the same areas (Eck et al., 2005).

hot spots Areas of concentrated crime.

Areas of concentrated crime are often referred to as **hot spots**. Researchers and police use the term in many ways. Some refer to hot spot addresses, others refer to hot spot blocks, and others examine clusters of blocks. Like researchers, crime analysts look for concentrations of individual events that might indicate a series of related crimes. They also look at small areas that have a great deal of crime or disorder, even though there may be no common offender. Analysts also observe neighborhoods and neighborhood clusters with high crime and disorder levels and try to link these to underlying social conditions (Eck et al., 2005).

Though no common definition of the term *hot spot* of crime exists, the common understanding is that a hot spot is an area that has a greater than average number of criminal or disorder events, or an area where people have a higher than average risk of victimization. This also suggests the existence of *cool spots*—places or areas with less than the average amount of crime or disorder. It also suggests that some hot spots may be hotter than others; that is, they vary in how far above average they are (Eck et al., 2005, 6).

Eck states that if hot spots are merely areas with an above average amount of crime or disorder, why do practitioners and researchers use the term in such a variety of ways? He notes that with recent developments in crime mapping, one can find hot spots of any size—from hot spot places to hot regions. Although all of these perspectives on hot spots have something in common—concentrations of crime or disorder separated by areas with far less crime or disorder—they differ in the area covered by the hot spots. More importantly, according to Eck, the factors that give rise to hot spot places are different from the factors that give rise to hot spot streets, hot spot neighborhoods, or hot spot cities. Further, the actions one takes to deal with a hot spot place will be different from the actions needed to address a hot spot street, hot spot neighborhood, or hot spot city (Eck et al., 2005, 11).

Police departments frequently use computer-mapped crime locations to delineate hot spots, or areas with high concentrations of crime. Highlighting such areas helps police direct patrols where they are most needed, thereby optimizing the deterrent effect of police presence. Although concentrations of crime locations may be discernible on a relatively simple point-map of crime locations, multiple crimes occurring at a single address may deceivingly be represented by a single point on such a map. Hot spot analysis is frequently

performed using special software, such as the Spatial and Temporal Analysis of Crime (STAC) program developed by the Illinois Criminal Justice Information Authority, which draws ellipses based on the densest concentrations of mapped incidents.

Recovery Locations

Many crime analysts consider the locations where stolen vehicles are recovered to be more relevant in solving crimes than the locations from where they are stolen. Unless a thief has an alternate mode of transportation, a stolen automobile will likely be left close to some desired destination—quite possibly a chop shop, where stolen cars are stripped down for parts. A density map can show the number of automobiles recovered per square mile.

Proximity

The applications of spatial crime analysis extend beyond the production of maps displaying crime locations for police; they provide analytical functions of interest to the general community as well. Want to know how many sex offenders live in your local community, then do an online search of sex offenders by city, county, or zip code. For example, in an online search program enter the following term: Sex offenders residing in zip code 77024. One entry the authors found when using that phrase was "Sex Offender Records–Public Records Official." Use your home zip code or the one for your school and you should be provided with a map showing the reported residences of sex offenders. Similar exercises may be run for other crimes.

Tracking Serial Offenders

Crime maps can aid in the apprehension of serial criminals. These maps, called **criminal geographic targeting (CGT) models**, help investigators in their attempt to determine where serial criminals most likely reside given the locations of their crimes.

criminal geographic targeting (CGT) models Computer-generated models that help investigators determine where serial criminals most likely reside given the locations of their crimes. The CGT model adheres to the assumption that a distance relationship exists between the residences of serial offenders and where they choose to commit their crimes.

The CGT model adheres to the assumption that a distance relationship exists between the residences of serial offenders and where they choose to commit their crimes. Serial criminals, like everybody else, conduct their routine activities (traveling to and from work, shopping, etc.) within a certain space with which they have become familiar. Within this routine activity space, most people identify with a single anchor point, or place of central importance in their lives, usually the home. The CGT model assumes that serial criminals commit their crimes within their areas of routine activity, but at the same time they are careful not to conduct this activity in the immediate proximity of their residences.

A crime analyst using a CGT model would delineate a hunting area, the region where serial offenders seek out or encounter potential victims. With the aid of special software, each point within this area is assigned a probability of being the residence of the offender. If crime analysts have a significant number of crime locations with which to work, a serial offender's residence can be narrowed down to a small number of probable locations using a CGT model.

Possible residences of serial offenders may be estimated using a three-dimensional map, with the vertical axis representing the probability that each location is the residence of the offender.

Mapping Prisoner Reentry

Crime mapping is now being used to address a wide range of criminal justice problems, from allocating police resources to understanding the underlying causes of crime. The mapping of prisoner reentry has been accomplished in only a few cities and only recently. Even fewer cities have attempted to link incarceration and reentry data with other indicators of

community well-being. The Urban Institute (UI) in 2002 launched the Reentry Mapping Network (RMN), a partnership of cities engaged in creating community change through the mapping and analysis of reentry and other community indicator data at a highly localized level.

RMN partners use mapping to pinpoint neighborhoods that experience high concentrations of returning prisoners and to examine the extent to which such communities are equipped to address the challenges that prisoner reentry creates. RMN partners use the findings from their mapping and analyses to help mobilize community members and leaders to devise targeted responses to effectively address reentry-related problems. These activities are intended to help corrections officials, community organizations, and service providers develop a better understanding of the dynamics and correlates of prisoner reentry at the local level; engage local stakeholders and practitioners in developing strategies to identify opportunities to address reentry-related challenges; facilitate greater coordination and collaboration among state and local agencies and organizations around this work; and expand the knowledge of how to involve communities in using data to identify and address incarceration- and reentry-related challenges.

Mapping can help identify neighborhoods that experience high geographic concentrations of prisoners returning home. Mapping the last known addresses of released inmates (available through the departments of correction in most states) can pinpoint concentrations within cities and neighborhoods, right down to the city block (La Vigne, 2004).

Crime Mapping Software

CrimeStat A spatial statistics program for the analysis of crime incident locations.

There are many crime mapping software programs available. One of the leading is the NIJ-supported software, CrimeStat III. **CrimeStat** is a spatial statistics program for the analysis of crime incident locations, developed by Ned Levine & Associates under a grant from the NIJ. The program is Windows-based and interfaces with most desktop GIS programs. The program provides supplemental statistical tools to aid law enforcement agencies and criminal justice researchers in their crime mapping efforts. CrimeStat is being used by many police departments around the country, as well as by criminal justice and other researchers. The present version is 3.0 (CrimeStat III) and is available on the Internet for downloading free of charge.

The program inputs incident locations (e.g., robbery locations) in "dbf-," "shp-," ASCII-, or ODBC-compliant formats using either spherical or projected coordinates. It calculates various spatial statistics and writes graphical objects to ArcView® MapInfo®, Atlas*GIS™, Surfer® for Windows, and ArcView Spatial Analyst©.

The statistics cover spatial description and distance analysis (for describing the general spatial pattern of crimes), hot spot analysis (for identifying concentrations of crashes), interpolation (for visualizing crime concentrations over a large area), space–time analysis (for understanding temporal and spatial interaction in offender behavior), and journey-to-crime estimation (for estimating the likely residence location of a serial offender). New in version 3.0 is a module for crime travel demand modeling, widely used in transportation planning. It allows a crime analyst to model crime trips over a metropolitan area and to make reasonable guesses at the travel mode and likely routes taken. It can also be used to model possible interventions.

CrimeStat III is accompanied by sample data sets and a manual that gives the background behind the statistics and examples. The software is available for free download, along with full documentation, from NACJD (National Archive of Criminal Justice Data) at ICPSR. The website also includes a brief on crime mapping.

The MAPS program is overseeing the development, by the University of Virginia's (UVA) Systems & Information Engineering Department, of a regional scale spatial data repository for analysis and planning that can support spatial data sharing across agencies and

jurisdictions, during critical incident events, as well as in their more routine needs. This repository is called the Geospatial Repository for Analysis & Safety Planning (GRASP) system. GRASP specifically addresses regional issues that relate to standard technologies, shared projections and coordinated systems, seamlessness, multiple data formats, complementary data and types, data sharing policies, and linkages to the larger spatial data infrastructure.

School COP

Developed by Abt Associates, the School Crime Operations Package (School COP) is a software application designed for entering, analyzing, and mapping incidents that occur in and around schools. Target users are persons responsible for enforcing discipline and safety regulations, investigating crime and other incidents, and planning violence prevention initiatives at elementary, middle, and high schools. School COP can be used at a single school or at the school district level. School COP includes a sample database of incidents that illustrate the package's search, reporting, and mapping capabilities. Online help is also available.

School COP runs on Windows 95, 98, NT, 2000, and XP computers and is available for download. The package is free. Abt Associates Inc. developed School COP under a cooperative agreement with the NIJ (Award No. 1999-LT-VX-K017). More details and software download for School COP are available from Abt Associates Inc.

CASE (Crime Analysis Spatial Extension)

Crime Analysis Spatial Extension (CASE) was developed by NLECTC–Rocky Mountain's Crime Mapping & Analysis Program (CMAP). CMAP, a program of the National Law Enforcement and Corrections Technology Center–Rocky Mountain Region (NLECTC-RM), was released in January 2005, CMAP CASE (Crime Analysis Spatial Extension) for ESRI's ArcGIS 8/9 GIS software.

CMAP CASE contains the spatial functions that many analysts and investigators use to find where offenders live and where they may strike next. CMAP CASE is freely available from their website. It contains a robust help file and supporting documentation explaining how these spatial functions are used to analyze crime. CMAP CASE is made available free to law enforcement agencies.

CompStat

CompStat is a crime-control model and is based on computer-driven statistics. It has been described as "a comprehensive, continuous analysis of results for improvement and achievement of prescribed outcomes" (McDonald, 2002, 8). Prior to 1994, the New York Police Department (NYPD), like most major police departments, was organized around avoiding risk and failure. Officers were constrained by regulations and procedures. With the implementation of the CompStat system, the NYPD is now using crime statistics and regular meetings of key enforcement personnel to direct its enforcement efforts. Under the CompStat system, there were major changes in the management style of the NYPD. Precinct commanders were granted more latitude in initiating their own operations and running their precincts. Officers were authorized to assertively enforce quality-of-life laws. For a critical review of CompStat, see Eterno and Silverman's text: *The Crime Numbers Game: Management by Manipulation* (2012).

CompStat
A crime-control model based on computer-driven statistics. It has been described as "a comprehensive, continuous analysis of results for improvement and achievement of prescribed outcomes."

NYPD commanders now have daily turnaround on CompStat numbers (crime statistics) and can observe weekly trends in order to take corrective actions. Crime statistics are not the bottom line as to how the police are doing, but they are analyzed on both a

precinct-by-precinct and citywide basis. CompStat implementation is based on five basic principles:

1. **Specific objectives:** Examples of crime-specific objectives are decreasing street robberies, drug sales to youths, vandalism, and carjackings.
2. **Timely and accurate intelligence:** If the police are going to respond effectively, officers at all levels must have accurate knowledge of when particular types of crime are occurring, where the crimes are occurring, and how they are being committed.
3. **Effective strategies and tactics:** The tactics must be comprehensive, flexible, and adaptable to the changing crime trends that are identified and monitored.
4. **Rapid deployment of personnel and resources:** Once tactical plans are developed, an array of personnel and other necessary resources should be promptly deployed.
5. **Relentless follow-up and assessment:** An ongoing process of rigorous follow-up and assessment is considered necessary to ensure that the desired results are actually being achieved (McDonald, 2002, 8, 9).

Despite the national attention that has been paid to the NYPD's CompStat program, there has been little systematic analysis of the programs in policing (Weisburd et al., 2004). Weisburd and others, in a Police Foundation report, noted that only about 33 percent of police departments with more than 100 sworn officers had adopted some form of CompStat and only 11 percent of those departments with less than 100 officers had adopted it. The report concluded that the specific motivations for adopting CompStat varied across police agencies, but most expressed a desire to reduce serious crime and increase management control over field operations. The report noted that larger police agencies were more likely to adopt the NYPD model than the smaller agencies.

Analysis and Planning Level

crime early warning system (CEWS) A computer program that maps crime forecasts by geographic area to provide a jurisdiction-wide scan for areas perhaps needing changes in tactical deployment of police.

A **crime early warning system (CEWS)** maps crime forecasts by geographic area to provide a jurisdiction-wide scan for areas perhaps needing changes in tactical deployment of police (Cohen, 2006, 156; IACA, 2017).

Time series data, the most frequently used series of measurements, consist of repeated measurements for a fixed observation unit (e.g., census tract, grid cell, car beat, or precinct) and fixed time interval (such as month, quarter, or year), sequenced by time period. Time series methods are the most widely researched and used forecast methods.

At the macro (policy/planning) level, police use crime mapping primarily for the design of precinct and car beat boundaries, in response to changing population and crime patterns (and perhaps budget limitations). The tasks are to design boundaries and staffing levels by precinct and car beat for the purpose of balancing workloads and achieving acceptable response times to calls for service. The corresponding planning horizon is three to five years, requiring long-range forecasts based on demographic trends and forecasts.

The meso-level of decision-making corresponds to monthly CompStat meetings for precincts (or similar meetings). While CompStat meetings may be held weekly to accommodate review of a large number of precincts, such as in New York City, each precinct is reviewed only once per month. Hence, the planning horizon is a month and monthly time series data are most relevant.

The purpose of CompStat meetings is manyfold, but two major purposes relative to crime analysis are: (1) to evaluate last month's crime prevention and enforcement performance, and (2) to plan for next month's crime analysis and police activities. Time series

forecasting has the potential to play an important role for both of these purposes, providing the basis for evaluation and forecasts of areas with potential crime increases next month. It is here at the meso-level that crime forecasting fits best into crime analysis.

Evaluation of performance within a specific area and month requires making a counterfactual forecast; that is, a forecast of crime level for "business as usual conditions" and no changes in policies or practices from historical conditions. Then if police intervened in special ways for prevention or enforcement during the month for evaluation, or just worked smarter and harder, the difference in the actual crime level from the counterfactual forecast can be attributed to police efforts. Alternatively, changes in the wrong direction might be attributed to changes in criminal activity (e.g., a gang war flare up).

An effective counterfactual forecast is a univariate forecast. Univariate methods capture the existing seasonal and time-trend patterns in a time series and then extrapolate or extend them into the future, assuming no pattern changes; for example, the counterfactual forecast for January 2005 would be based on historical data for January 2000 through December 2004, would extend the estimated mean number of crimes for December 2004 by the estimated growth rate (or decline rate) per month to January, and adjust this value for the estimated January seasonal effect. All estimates are based on the historical data.

CompStat does not use univariate forecasts for evaluation, but rather uses the CompStat method. For this method, the counterfactual value for evaluating January 2005 crimes is January 2004 crimes for the same crime type and location. The virtue of this method is that it provides some information on the changes in crime levels over a year's time and at the same seasonal point. Its problems are first that the counterfactual value is a single data point, which is noisy and can yield false information.

The implementation of time series forecasting for use by police takes the form of a crime mapping system called CEWS. It serves both the meso- and micro-levels of crime analysis.

Micro-level crime analysis includes the familiar day-to-day tasks of crime analysts: reading crime reports, identifying patterns in data, mapping crime points, identifying hot spots, and so on. CEWS includes the point data and records that support these activities (Cohen, 2006).

San Diego County, California, Crime Maps

CASE STUDY

San Diego County, using the Automated Regional Justice Information System (ARJIS), has established a public website. By visiting the site, you can enter a street address, shopping center, or other place and find out what crimes have been reported for that location in recent months. For more detailed information on this website visit the ARJIS public website. While the San Diego study is used to demonstrate using crime maps, the same information is now available for most areas in the United States.

The law enforcement agencies in San Diego County take reports for all crime cases, arrests, citations, and some traffic collisions within the county. The reports are entered in the ARJIS, which provides the incident data for Crime MAPS. Agencies that provide data to ARJIS include the San Diego County Sheriff, all city police departments in San Diego County, the San Diego Harbor Police, the San Diego Unified School District Police, and the San Diego Community College Police.

Some city police departments and the county sheriff also provide data for some universities and community colleges in their jurisdictions, including University of San Diego, Point Loma Nazarene, MiraCosta, and Southwestern. Data from UCSD, SDSU, CSU-San Marcos, Cuyamaca, Grossmont, and Palomar are not provided. Also, federal and state law enforcement agencies (military police, FBI, Border Patrol, and CHP) do not provide data to ARJIS.

Crime MAPS allows you to select a jurisdiction (city, unincorporated area in the county, neighborhood, or political district) and a location of interest. The location can be a school, hospital, zip code, tourist attraction, major shopping center, neighborhood, address, or intersection. Except for a zip code or neighborhood, a radius ranging from 500 feet to one mile can be selected to generate an orange-shaded area around the selected location on the resulting map. Incidents will be mapped both inside and outside (twice the radius) this area. Note that neither an entire city nor an unincorporated county can be selected.

Types of Incidents Mapped

Various types of crimes, arrests, citations, and traffic-related incidents are available. Crime types include aggravated assault, arson, commercial burglary, homicide, malicious mischief/vandalism, rape, residential burglary, robbery, sex crimes other than rape, simple assault, theft, vehicle break-in, and vehicle theft. Domestic violence-related assault data are currently not included. Arrest and citation types include curfew violation, deadly weapon possession, drunk in public, narcotics, prostitution, and truancy. Traffic-related incident types include DUI, citations, and collisions.

Only incidents with a valid street address or intersection are included. In some cases victims may not know where the crime occurred (e.g., if their pocket was picked somewhere downtown). Such a crime will not have an address and therefore will not be included.

Time Periods of the Incident Data

Crime MAPS is updated with new data every week on Monday. This data includes reports that have been entered in ARJIS up through the previous Saturday. Some law enforcement agencies may be several weeks behind on their data entry, so if you are not getting the expected number of incidents for the most recent week, either search farther back in time or contact your local agency to clarify.

Any time period of 91 days or less within the past 12 months can be searched. The period can be defined by start and end dates, times of the day, and days of the week. If you are searching an area with a large number of incidents, you may want to limit your time period to fewer than 91 days.

Incident Attributes

The map's *Identify* feature can be used to determine the following attributes or characteristics for each incident or map location at which incidents are mapped: type of incident; 100-block address or street intersection; and date, day, and time of occurrence. Earliest and latest dates and times are included because some crimes have a range of when they might have occurred. For instance, a car was parked at 10:00 pm on the third and discovered missing at 7:00 a.m. on the fourth.

Not all offenses within one report can be queried and mapped. A crime report may contain more than one offense (e.g., a robbery and an assault). Only the primary offense type can be queried and mapped. In this example, the map will show a robbery because it is the more serious offense.

Victim names and exact address data have been removed to protect the privacy of victims. Although the symbols are mapped using the specific address, when the incidents are identified, the addresses only show the 100-block numbers, not exact addresses.

Incident Locations on the Map

All incidents are mapped at specific street addresses or intersections. The symbols are shown on the streets at those locations. This means that incidents that occur in parks, on school grounds or campuses, at shopping malls, or other such locations are mapped on a street and not at the actual location of the incident in the area. Also, when multiple incidents occur at one address or intersection, the map will show only one symbol. Each symbol can be checked with the map's *Identify* feature to see how many are at the same location.

Comparison with Incident Descriptions in the Media

Some offenses may be shown differently than initially reported in the media; for example, if the victim of a robbery was seriously wounded, the offense may be recorded (and therefore mapped) initially as a robbery, but then changed to a homicide if the victim later dies.

Comparison with Published Law Enforcement Agency Data

There are several reasons why the incident data mapped on this website may not match that published by the various law enforcement agencies. The main one is that not all incidents can be mapped, such as those without a valid street address. For official crime statistics, click on *Crime Statistics* on the ARJIS website or contact your local agency.

Different Results on Different Days

ARJIS is continually receiving police reports for recent as well as older incidents so the incident database is subject to change over time. There can be delays in discovering and reporting crimes (e.g., a home burglary may not be discovered until a person returns from vacation). A robbery may become a homicide if the victim dies later. There can also be delays in entering reports into the ARJIS. In the case of a homicide, it might take several days for the medical examiner to determine that the death was unlawful.

School and Shopping Center Data

The menu of schools includes the public and private school sites in the San Diego Association of Government's (SANDAG) school database www.sandag.org/resources/maps_and_gis/gis_downloads/downloads/metadata/schoolsdoc.htm. Not included are colleges, universities, and other institutions of higher education. If a school of interest is not listed, use its street address or the nearest street intersection.

Only major shopping centers are included. These are defined by SANDAG in one of its activity center layers. For the selection criteria, see www.sandag.org/resources/maps_and_gis/gis_downloads/downloads/metadata/majattrsdoc.htm. For smaller shopping centers, use the street address of a specific store or the nearest street intersection.

Help File

A HELP file has been created to guide users through each step of the mapping process. It explains the various options in selecting locations, incidents, and time periods, as well as the use of the various buttons on the map screen. You can see the file by clicking on the HELP button at the top of the Location, Incidents, and Time Period screens, and under Information on the Map screen.

Mapping and Analysis for Public Safety

Geography has a major influence on crime. The features and characteristics of cityscapes and rural landscapes can make it easier or more difficult for crime to occur. The placement of alleys, buildings, and open spaces, for example, affects the likelihood that a criminal will strike.

Combining geographic data with police report data and then displaying the information on a map is an effective way to analyze where, how, and why crime occurs.

Computerized crime maps became more commonplace with the introduction of desktop computing and software programs called GIS. Analysts map where crime occurs, combine the resulting visual display with other geographic data (such as location of schools, parks, and industrial complexes), analyze and investigate the causes of crime, and develop responses. Recent advances in statistical analysis make it possible to add more geographic and social dimensions to the analysis.

National Institute of Justice's Role in Mapping

NIJ's Mapping and Analysis for Public Safety (MAPS) program supports research that helps agencies use GIS to enhance public safety. The program examines:

- How to use maps to analyze crime.
- How to analyze spatial data.
- How maps can help researchers evaluate programs and policies.
- How to develop mapping, data sharing and spatial analysis tools.

NIJ established the CMRC in 1997, using funds from the Omnibus Appropriations Act of 1996. The center surveyed police departments to determine how they used analytic mapping in policing and began developing training programs to enhance departments' ability to use spatial maps and data sets. In 2002, CMRC evolved into NIJ's MAPS program. For more information on the MAPS program, visit the NIJ website.

The MAPS program funds research that uses GIS, statistical analysis, and analysis of spatial data to lead to the following:

- More effective deployment of police.
- Better use of public safety resources.
- Stronger crime policies.
- Greater understanding of crime.

▶ Should Crime Information Be Made Public?

Note: The following section was taken from *A Guide for Sharing Crime Maps and Spatial Data*, Institute for Law and Justice, NCJ 188739, 4 and 5. (Citations omitted.)

Why should a law enforcement agency make crime data and crime maps available to researchers, other agencies, and the public?

There are many advantages, including the following:

1. Providing crime maps through the Internet or another convenient mechanism may reduce police workload; that is, fewer calls may be made to the crime analysis section for special requests if the maps are readily available. The Tempe, Arizona, Police Department put a variety of crime maps and information on the Internet to "provide timely information with nearly instantaneous updates and conserve time and resources by reducing mailings and virtually eliminating printing and duplicating costs." In addition, making crime maps and statistics accessible will alleviate common citizen calls such as, "Is this neighborhood safe?" by allowing the agency to refer the citizens to the Internet to make their own judgments.
2. Many police departments have found that the more the community knows about crime and safety issues, the more willing it is to work with the police to solve those problems. In addition, potential victims of a crime pattern may protect themselves better if they are aware of the problem.
3. Maps can assist in community policing and problem solving by showing where problems do and do not exist. While researching gang territories, George Tita, formerly with Carnegie Mellon University, mapped various activity spaces and found that only small portions of a neighborhood were affected. When he shared his maps and results with community developers and gang street workers, their response was that if this information was shared with everyone, people would understand that the whole neighborhood was not gang-infested, and businesses might be more likely to operate and invest in the area.
4. Maps can increase public awareness about neighborhood problems. On one hand, residents of higher crime areas may not want their problems highlighted. On the other hand, some welcome the attention. As an unnamed citizen once stated: "I

know that I live in a high-crime area, and [your] publishing the information has only confirmed my opinions; however, it is satisfying that the local council is working in partnership with the police to accurately identify crime hot spots and as a result target crime prevention resources to those areas that most need it, rather than to the middle-class areas where people are more likely to sit on some local committee, shout the loudest, and get funds allocated to an area that in reality is of low priority."

5. Maps facilitate partnerships with researchers and other agencies. If researchers lack accurate, current data they cannot assist departments and the policing field in analyzing and solving crime and disorder problems. Most people recognize the advantage of sharing data among law enforcement agencies and across jurisdictions (because criminals do not usually respect city boundaries). In addition, agencies outside of law enforcement, such as public housing, schools, hospitals, parks and recreation departments, and urban planning divisions can work toward community safety if they are better informed about crime.
6. By providing maps and data, a police department can be sure the data are presented accurately. If the department does not provide maps and data, someone else (such as the media or a neighborhood group) eventually will—then the department risks having its data interpreted and displayed by someone less familiar with them.
7. Providing maps and data to the public is a means to hold the police department accountable. By making information public, law enforcement agencies are less likely to risk altering the statistics to make themselves look better. In addition, the more the public knows about crime, the more likely it is that someone or some group will ask what the police or, in a true police–community partnership, they can do about it. The concern by officers that the public may have access to up-to-date crime information has led to more internal requests for maps and use of Internet sites by the officers themselves. Officers do not want to be confronted by a community member who is more aware of crime in the neighborhood than they are.

Providing crime maps and data also poses several potential and actual disadvantages, such as:

1. The information might be used for commercial purposes (e.g., alarm companies calling burglary victims), which many citizens may find a violation of privacy or a nuisance. Many departments already release lists of crime incidents to the media, and companies will still not be able to identify specific households from the map, but they could target general areas.
2. Potential offenders may use crime maps to identify areas that have not been targeted and therefore may not be receiving much police attention.
3. Crime maps could conceivably harm a high-crime area by reducing property values or increasing insurance rates; however, no definitive study of the property value concern has been made, and insurance companies (at least in California) have already been using zip code crime information for years to define rates. Taxi drivers, pizza deliverers, and other service people sometimes hesitate to go to high-crime areas, but their reticence is often based more on reputation than on hard data. Crime maps could alleviate concerns.
4. Crime maps are open to misinterpretation by viewers if the maps are too complex or viewers do not understand statistics or crime data. Further, map shading sometimes suggests that an entire area (e.g., beat, neighborhood) has a crime problem, when in fact all the crimes may be concentrated in one or two blocks.

There may also be privacy issues involved in making crime data public, such as:

1. If a map shows the exact location of an offense, such as the victims' residence, or the incident address is released, the victims may be retraumatized by the fear that criminals will see them as an easier target.
2. Victims may decline to assist in investigations and prosecutions if they believe offenders or their associates can find out where they live by looking at crime maps.
3. If persons are victimized again, they may decide not to report the offense because of concerns about publicity through a crime map. An increase in unreported crimes makes it harder for police to respond to public safety concerns.
4. Incident-specific details associated with a map could be misused. If specific addresses are identifiable, all privacy is essentially eliminated.

▶ Does Hot Spot Patrolling Simply Cause Crime to Move Around the Corner?

Does the concentration of policing resources on hot spots prevent crime? Weisburd and others (Weisburd et al., 2005) studied this question. They concluded that hot spots policing approaches have strong impacts upon crime in targeted sites. They noted that often there is a concern that focusing police resources on hot spots will simply displace the crime to nontargeted areas. According to the researchers, when immediate spatial displacement has been examined, the findings generally support the position that displacement is small and that diffusion of crime control benefits is more likely. They concluded that there was little evidence of immediate spatial displacement, and strong evidence for diffusion of benefits beyond the targeted areas. This finding, in the context of a controlled study that was designed to directly study displacement and diffusion effects, adds strong support to a policy approach that focuses police resources at crime hot spots. They opined that concentration on hot spots is likely to lead to strong crime prevention benefits not only in targeted sites, but also in areas close to them.

▶ Hot Spot Theories on Crime

Note: This discussion on Hot Spot Crime Theories was taken from *Mapping crime: Understanding hot spots* (August 2005), NCJ 209393, by John Eck et al.

Place Theories

place theories
Theories that explain why crime events occur at specific locations.

Place theories explain why crime events occur at specific locations. They deal with crimes that occur at the lowest level of analysis—specific places. They involve looking at specific incidents and asking such questions as, "At what places are burglaries occurring and at what places are they not occurring?" Crime phenomena at this level occur as points, so the appropriate units of analysis are addresses, street corners, and other very small places, which are typically represented on maps as dots. Police action, such as warrants, which specify exact addresses (not blocks or neighborhoods), is very precise at this level.

Street Theories

Street theories deal with crimes that occur at a slightly higher level than specific places; that is, over small, stretched areas such as streets or blocks. A prostitution stroll is an example. At this level of analysis analysts ask such questions as, "On which streets are prostitutes found and on which streets are they not found?" The appropriate units of analysis can be street segments, paths, and sections of highways, which would be represented on maps as straight, bent, or curved lines. Police action is still relatively precise, although not as precise as at the place level. Concentrated patrolling occurs at this level, as well as efforts to change traffic and street patterns.

street theories Theories that deal with crimes that occur at a slightly higher level than specific places; that is, over small, stretched out areas such as streets or blocks.

Neighborhood Theories

Some theories of crime attempt to explain neighborhood differences. At a higher level than place or street, neighborhood theories deal with large areas. Here analysts are interested in such questions as, "What areas are claimed by gangs and what areas are not?" The appropriate units of analysis are quite varied and can include square blocks, communities, and census tracts, to name a few. Two-dimensional shapes such as ellipses, rectangles, and other polygons are used on maps to represent crime phenomena at this level. At this level, police action is far less precise because the areas are typically too large for effective concentrated patrolling; nevertheless, depending on neighborhood characteristics, relevant action might include efforts to engage residents in collective action against crime and disorder. If offenders are mobile throughout an area, rather than concentrated at a few places, then efforts to deter them should occur at this level.

Other Large Area Theories

Still other theories attempt to explain differences in crime patterns at much higher levels of aggregation; for example, theories of crime differ among cities and regions. On the city level, suggested actions may include citywide changes in economic, transportation, education, welfare, and recreation policies, to name a few. On the multijurisdictional or multistate regional levels, suggested actions against concentrations of crime could include even broader scale policies or social change. Although these are interesting theories, they are far less useful for local police agencies, thus they are not examined here.

Repeat Victimization Theories

Finally, **repeat victimization theories** pertain to questions of why the same victims are targeted repeatedly. They can operate at any of the three levels discussed—points, lines, or polygons—however, not all repeat victimization can be shown on maps.

repeat victimization theories Theories that pertain to questions of why the same victims are targeted repeatedly.

Types of Hot Spots

The most basic form of a hot spot is a place that has many crimes. A place can be an address, street corner, store, house, or any other small location, most of which can be seen by a person standing at its center. Places typically have a single owner and a specific function—residence, retail sales, recreation, school. Crime often is concentrated at a few places, even in high-crime areas. Although hot spots are often concentrated within areas, they often are separated by other places with few or no crimes.

Routine activity theory helps to explain why crime often is concentrated at specific places. Routine activity points to how behavior is regulated at the location by place managers—owners of places or people acting on an owner's behalf.

Summary

- Most law enforcement agencies have one or more crime analysts, but some of the largest and more advanced police organizations do not. The job of the crime analyst is often narrowly limited to tabulating crimes that occur. In others, it extends to identifying patterns of crimes, with the primary objective of identifying the likely offenders so that they can be apprehended.
- Crime maps have been around for several thousand years—perhaps tens of millennia. European cartographers studying the social ecology of crime studied the locations of crime to provide a number of important insights regarding crime.
- Parks and Burgess, starting in the 1920s, and later, Shaw and McKay, studied crime rates in Chicago by mapping the reported crimes on a map. They divided the map using concentric zones to support their social disorganization theory of crime causation.
- Presently, GIS are used in most major police departments for crime mapping. GIS are computerized geographic information systems that consist of a constellation of hardware and software that integrate computer graphics with a relational database for purposes of managing and displaying data about geographic locations.
- Areas of concentrated crime are often referred to as *hot spots*. Researchers and police use the term in many ways. Some refer to hot spot addresses, others refer to hot spot blocks, and others examine clusters of blocks.
- CompStat is a crime-control model and is based on computer-driven statistics. It has been described as a comprehensive, continuous analysis of results for improvement and achievement of prescribed outcomes.
- Concentration on hot spots is likely to lead to strong crime prevention benefits not only in targeted sites, but also in areas close to them. Apparently, crime does not move around the corner.

Classroom Discussion Questions and Activities

1. Go to one of the public crime sites and examine the types of crime maps displayed at the site.
2. Plot a crime map involving incidents in your home community.
3. Visit a local law enforcement agency and determine what crime maps the agency keeps and whether some maps are kept manually.
4. Determine if there are any "auto theft hot spots" near your home.
5. Check and determine how many registered sex offenders live within one mile of your current residence or your school dorm.

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CHAPTER OUTLINE

- Introduction
- Terrorism and the Police Officer
- War on Terrorism
- Terrorism Alerts
- Assessing Terrorist Threats
- Anti-Terrorist and Disaster Recovery Agencies
- Bomb Threats
- Hostages
- Summary

14 Handling Terrorism and Natural Disasters

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Describe the duties and responsibilities of a first responder.*
- *Explain the differences between ordinary criminal acts and terrorist acts.*
- *Recognize terrorism alerts.*
- *Define and explain how terrorist threats are assessed.*
- *Explain terrorist risk assessment calculation.*
- *Describe how bomb threats should be handled.*
- *Explain actions to take in hostage situations.*

▶ Introduction

A patrol officer's reaction to any disaster can be learned. Each disaster, no matter how different from the others, shares many common characteristics. Also, like each domestic disturbance call, each disaster can threaten your survival. The preparation for handling any disaster begins in your head. Patrol officers should think about what disasters they could encounter and how they would respond to each of them; for example, patrol officers in Kansas probably know how to react to a tornado, officers in the coastal states probably know how to react to a hurricane, and officers in California know how to react to an earthquake. In addition to the natural disasters, patrol officers in all states need to think about how they would react in case of a terrorist attack.

Whether it's an act of terrorism or a natural disaster, it is likely that a patrol officer will be the **first responder**. The primary responsibilities of a first responder arriving at the scene are to:

first responder Individuals or groups responding directly to the scene of an incident, such as firefighters, law enforcement, and emergency medical service.

- Protect life.
- Maintain order.
- Conduct traffic control.
- Protect property from further damage.
- Help establish communication.
- Assist in the coordination of the response of other emergency personnel.

One of the officer's first responsibilities as a first responder at the scene of an emergency is to assess the situation and communicate the assessment to the officer's supervisors. The initial situation assessment normally includes the following:

- Type of emergency or situation.
- Location of emergency or situation.
- Type of assistance needed.
- Number of casualties involved.
- Special equipment needed.
- Other information that would be helpful.

WHAT IS A FIRST RESPONDER?

A first responder is defined as individuals or groups responding directly to the scene of an incident, such as firefighters, law enforcement, and emergency medical services. It may include other city or county responders who report to the scene to assist with response or recovery actions, such as public works and utility personnel. Volunteer groups who are brought to the scene under authority of the Incident Commander, such as the Salvation Army or the Red Cross, may also be included.

Source: State of Texas Pamphlet: Strategies for Texas first responder preparedness, 2002, 19.

Myths About Terrorism

According to Graeme Newman and Ronald V. Clark (Policing Terrorism; an Executive Guide published by the Office of Community Oriented Policing Services, U.S. Department of Justice, 2008), there are some popular myths about terrorism. The researchers state that:

> Sometimes it is difficult to know what to believe about terrorism. For most of us, the main source of information is the media, which bombards us with stories of terrorist atrocities, mostly in far-flung parts of the world, spiced with comments from experts of sometimes questionable authority.
>
> Remember that the main job of the media is not to provide information: it is to hold and entertain the audience. Stories, therefore, are presented to make them seem relevant to the everyday experience of the audience and to engage the audience's emotions.
>
> Always try to identify and critically examine the underlying assumptions in the information you receive.
>
> Newman and Clark consider the following myths as the most critical ones:

- **Myth: Anyone might be a terrorist.** Although it is true that terrorists come in many shapes and sizes, most terrorists are young males. It is most unlikely that a white-haired grandmother from the Midwest is a terrorist, even if she is behaving in a suspicious manner. She is much more likely to be confused or ignorant of the rules, and that should be the assumption when your officers approach her. They should reserve their suspicions for those who most closely fit the terrorist profile.
- **Myth: Every immigrant is suspect.** Those who fit the terrorist profile best (for the present at least) are young male immigrants of Middle Eastern appearance. Even among this group, of course, only a tiny minority are terrorists, wannabe terrorists, or even terrorist sympathizers. Treating them differently in casual encounters can jeopardize relations with a group that could otherwise provide your officers with valuable information about truly suspect activity. In the past couple of decades, most terrorist are not immigrants of Middle Eastern appearance.
- **Myth: Terrorists are crazed fanatics.** However much you disagree with the reasons for their actions, you should remember that cold rationality guides much of terrorist behavior. Like all organized criminals, they plan their acts carefully, try to avoid capture, and are determined to succeed.
- **Myth: Terrorists are eager to die.** As we have discovered to our cost, some terrorists are willing to die for their cause. But many terrorists are careful with their lives. Not only do they have the same ambitions for success and happiness as everyone else, but also, they would prefer to escape and strike again rather than to fail and die.
- **Myth: Terrorists are evil geniuses.** Not every terrorist has the mind of an Osama bin Laden. Most are ordinary, fallible individuals. They might plan their acts carefully, but they are engaged in a risky business. They cannot anticipate every setback and on occasion will be forced to improvise and take chances. Some of their decisions will lead them to fail and perhaps be killed.
- **Myth: Terrorists might strike anywhere.** In theory, terrorists can strike anywhere, but in practice they must conserve their resources and strike where they will achieve the greatest effect. If we think like terrorists, we can anticipate their choices and act accordingly to protect the most vulnerable targets.

▶ Terrorism and the Police Officer

How does terrorism differ from traditional crime?

Do terrorist organizations use traditional crime to support their terrorist activities?

Why discuss terrorism in a book on police operations?

Traditional crime is characterized by spontaneity, lack of planning, and pecuniary or personal motives. In contrast, **terrorism** generally involves persons or groups motivated by political or social goals, ideological justification, and considerable forethought and planning.

terrorism Criminal acts caused by persons or groups motivated by political or social goals, ideological justification, and considerable forethought and planning.

In recent years, there has been a marked decline in state-sponsored terrorism. This has led several terrorism scholars to conclude that terrorist organizations are increasingly turning to criminal activity as an alternative means of financial support. Although the criminal methods used by terrorist groups range from the highly sophisticated to the most basic, they all serve a common purpose: the crimes provide logistical support for terrorism. Crimes are committed to supply terrorists with money, material, personnel, training, communication systems, safe havens, and travel. Far from being mere accoutrements strapped onto the terrorist's agenda, these crimes are the lifeblood of terrorist organizations (Ham, 2005, 1).

Common crimes, such as the creation of false identities for group members, thefts to procure funding for the group, and thefts of weapons or explosive materials, are designed to support later terrorist acts. The presence of these crimes may serve as pro-incident indicators that may assist law enforcement agencies in early interdiction and prevention of terrorist incidents (Smith, Damphousse, & Roberts, 2006, 2). Money laundering is probably the most sophisticated crime engaged in by terrorist groups.

▶ War on Terrorism

According to Richardson (2006, 1), the United States can't win a war on terrorism any more than it could win a war against armed robbery or tornadoes. What it must do, according to Richardson, is contain the threat to the nation caused by terrorists. Richardson, who was born in Ireland to Catholic parents, learned at an early age about terrorism. She states that governments are invariably placed under enormous pressure to react forcibly and fast in the wake of a terrorist attack. She claims that this response is not likely to be most conducive to long-term success against terrorists. After interviewing the terrorists, she could contact, and studying transcripts of captured terrorists and other source material, her main conclusion is that "terrorists are not nuts." She concludes that terrorists are human beings who think like we do and have goals they are trying to achieve (Richardson, 2006, 53).

Richardson contends that terrorists' motivations can be summed up in a three-word phrase: revenge, renown, and reaction. According to her, terrorism is a tactic, and thus cannot be defeated; what can be defeated, or at least contained, are individual groups of terrorists. She has six rules for fighting terrorism:

1. Have a defensible and achievable goal, such as stopping the spread of Islamic militancy.
2. Live by your principles.
3. Know your enemy.
4. Separate the terrorists from their communities.
5. Engage others in countering terrorists with you.
6. Have patience and keep your perspective.

▶ Terrorism Alerts

Note: The material for this section was taken from the FBI's *Terrorism Quick Reference Card*, 2003.
First responding officers should be aware of suspicious factors that may indicate a possible terrorist threat. These factors should be considered collectively in assessing a possible threat.

Suspicious Factors to Consider

- **Possible Suicide Bomber Indicators**
  - An individual who is alone and nervous.
  - Repeated patting of upper body or rearranging clothing excessively.
  - Wearing an inordinate amount of perfumes, colognes, or other scents that may be used to mask "chemical"-type odors.
  - Wearing loose and/or bulky clothing.
  - Clothing that does not fit weather conditions.
  - Individual may be sweating, mumbling, or may exhibit unusually calm and detached behavior.
  - Exposed wires from clothing, possibly through sleeve.
  - Rigid mid-section (explosive device or may be carrying a rifle).
  - Hands tightened (may be holding a detonation device).
- **Passport History**
  - Recent travel overseas to countries that sponsor terrorism.
  - Multiple passports with different countries/names.
  - Altered passport numbers or photo substitutions.
  - Pages have been removed.
- **Other Identification—Suspicious Characteristics**
  - No current or fixed address; fraudulent/altered social security cards, visas, and licenses.
  - Multiple IDs with names spelled differently.
  - International driver's ID: there are no international or UN drivers' licenses—they are called permits.
  - Official international drivers' permits that are over one year old. They are only valid for one year after entry into the United States.
  - Laminated or off-color international drivers' permits. They are not laminated and are paper-gray in color.
  - Individual shows unusual interest or prolonged interest in security measures or personnel, entry points and access controls, or perimeter barriers, such as fences or walls.
  - Individual actively engages in "boundary probing," beginning with physical approaches to measure possible access restrictions and/or law enforcement presence and responses.
  - Discreet use of cameras or note taking at nontourist-type locations, such as airports, bridges, and chemical plants.
- **Employment/School/Training**
  - No obvious signs of employment.
  - Possesses student visa, but not English proficient.
  - An indication of military-type training in weapons or self-defense.

- **Unusual Items in Vehicles/Residences**
  - Training manuals; flight, scuba, explosive, military, or extremist literature.
  - Blueprints with no apparent affiliation to architecture.
  - Photographs/diagrams of specific high-profile targets or infrastructures, including entrances/exits of buildings, bridges, power/water plants, routes, security cameras, subway/sewer, and underground systems.
  - Photos/pictures of known terrorists.
  - Numerous prepaid calling cards and/or cell phones.
  - Global positioning satellite (GPS) unit.
  - Multiple hotel receipts.
  - Financial records indicating overseas wire transfers.
  - Rental vehicles—cash transactions on receipts; living locally but renting vehicle.
  - Vehicles with excessively darkened/tinted windows or temporary window covering that prevents viewing vehicle's interior.
  - Vehicles that exhibit signs of recent modification.
  - Vehicle contains unmarked packages or unusual items such as PVC pipe, magnets, compressed gas cylinders, or fire extinguishers within the passenger compartment.
- **Potential Props**
  - Baby stroller or shopping cart.
  - Suspicious bag/backpack, golf bag.
  - Bulky vest or belt.
- **Hotel/Motel Visits**
  - Unusual requests, such as refusal of maid service.
  - Asking for a specific view of bridges, airports, military/government installations.
  - Electronic surveillance equipment in room.
  - Suspicious or unusual items left behind.
  - Use of lobby or other pay phones instead of room phones.
- **Thefts, Purchases, or Discovery of the following**
  - Weapons/explosive materials.
  - Camera/surveillance equipment.
  - Vehicles (including rentals—fraudulent name or failure to return vehicle).
  - Radios: short-wave, two-way, and scanners.
  - Identity documents.
  - Unauthorized uniforms.

▶ Assessing Terrorist Threats

Note: Some of the material for this section was taken from Assessing and Managing the Terrorism Threat, September 2005, NCJ Report 210680.

The Department of Homeland Security (DHS) defines **threat assessment** as follows: a systematic effort to identify and evaluate existing or potential terrorist threats to a jurisdiction and its target assets. Due to the difficulty in accurately assessing terrorist capabilities, intentions, and tactics, threat assessments may yield only general information about potential

threat assessment a technique used by law enforcement authorities for the purpose of evaluating and describing the nature and degree of a threat. Involves efforts to identify, assess, and manage individuals and groups who may pose threats of targeted violence.

risks. These assessments consider the full spectrum of threats, such as natural disasters, criminal activity, and major accidents, as well as terrorist activity. Photo 14-1 ■ is a picture of a Home Security vehicle.

According to the DHS, threat assessments must be compiled from comprehensive and rigorous research and analysis. Law enforcement cannot function unilaterally. Threat assessments that do not incorporate the knowledge, assessments, and understanding of state, local, and private organizations and agencies with the potential threats being assessed are inherently incomplete; for example, a threat assessment of water-district facilities should include the most comprehensive data available from local police, sheriff, and fire departments; health services; emergency management organizations; and other applicable local, state, and federal agencies that may be affected by an attack on the water district's infrastructure. The threat assessment should also assimilate germane, open-source, or nonproprietary threat assessments, as well as intelligence information. Lastly, the assessment must provide a high level of awareness and understanding regarding the changing threat and threat environment faced by a government entity.

It is important to consider what can be threatened and what must be protected by state and local law enforcement agencies and their counterparts who provide security in the private sector. Those infrastructures and assets deemed most critical to national public health and safety, governance, economic and national security, and retaining public confidence have been refined and expanded. The critical infrastructure now includes:

- Agriculture.
- Banking and finance.
- Chemical and hazardous waste.
- Defense industrial base.
- Energy.
- Emergency services.
- Food.
- Information and telecommunications.
- Transportation.
- Postal and shipping services.
- Public health.
- Water.
- National monuments and icons.
- Nuclear power plants.
- Dams.
- Government facilities.
- Commercial assets.

Calculating Criticality

A five-point scale can be used to estimate the impact of loss of life and property, interruption of facility or other asset use, or gain to be realized by an adversary:

- **Extreme (5):** Substantial loss of life or irreparable, permanent, or prohibitive costly repair to a facility. Lack of, or loss of, a system or capability would provide invaluable advantage to the adversary (press coverage, the political or tactical advantage to carry out further plans).

- **High (4):** Serious and costly damage to a facility or a positive effect for the adversary. No loss of life.
- **Medium (3):** Disruptive to facility operations for a moderate period; repairs, although costly, would not result in significant loss of facility capability. No loss of life.
- **Low (2):** Some minor disruption to facility operations or capability; does not materially advantage the enemy. No loss of life.
- **Negligible (1):** Insignificant loss or damage to operations or budget. No loss of life.

Calculating Vulnerability

The DHS defines **vulnerability assessment** as follows: The identification of weaknesses in physical structures, personnel protection systems, processes, or other areas that may be exploited by terrorists. The vulnerability assessment also may suggest options to eliminate or mitigate those weaknesses.

vulnerability assessment The identification of weaknesses in physical structures, personnel protection systems, processes, or other areas that may be exploited by terrorists.

Vulnerability is difficult to measure objectively. Progress is being made by agencies, such as the National Institute of Justice in partnership with the U.S. Department of Energy's Sandia National Laboratories, as well as by studies conducted by the National Infrastructure Protection Center of DHS, to assist with these assessments.

Essential data to collect for analysis prior to conducting a threat assessment include:

- **Type of adversary:** Terrorist, activist, employee, other.
- **Category of adversary:** Foreign or domestic, terrorist or criminal, insider and/or outsider of the organization.
- **Objective of each type of adversary:** Theft, sabotage, mass destruction (maximum casualties), sociopolitical statement, other.
- **Number of adversaries expected for each category:** Individual suicide bomber, grouping or "cells" of operatives/terrorists, gangs, other.
- **Target selected by adversaries:** Critical infrastructure, governmental buildings, national monuments, other.
- **Type of planning activities required to accomplish the objective:** Long-term "casing," photography, monitoring police and security patrol patterns, other.
- **Most likely or "worst case" time an adversary could attack:** When facility/location is fully staffed, at rush hour, at night, other.
- **Range of adversary tactics:** Stealth, force, deceit, combination, other.
- **Capabilities of adversary:** Knowledge, motivation, skills, weapons, and tools.

To accomplish the intelligence mission of processing a threat assessment, a law enforcement executive must ensure that an officer or unit is trained and assigned to identify potential targets and can recommend enhancements for security at those targets. Action must be taken by all departments, including those with limited resources. Ideally, the entire patrol force should be trained to conduct intelligence gathering and reporting.

The vulnerability level is determined on a scale using estimates of the sufficiency of protection or accessibility listed:

- **Highly vulnerable:** A combination of two or more of the following with due consideration of the threat level:
  - Direct access to asset or facility is possible via one or more major highway systems. Waterside access is open or adjacent land areas are unoccupied, unguarded, or allow free access.

- Asset or facility is open, uncontrolled, or unlighted, or security is such that threat elements may have unimpeded access with which to collect intelligence, operate, and evade response forces. Patrols, electronic monitoring, or alarm systems are easily defeated or provide incomplete coverage.
- Individual systems within the facility, such as hazardous materials, weapons, explosives, or vehicles, are accessible with minimum force or possibility of detection.
- Response units provide minimum effective force to counter the experienced threat level. In-place physical security measures do not provide protection commensurate with the anticipated threat level.

- **Moderately vulnerable:** A combination of two of the following:
  - Direct access to asset or facility is possible via one or more major highway systems, but road system is restricted or patrolled. Waterside access may be open or adjacent land areas unoccupied, but mitigating geographic conditions may be present (e.g., lengthy channel access).
  - Asset or facility is open, uncontrolled, or unlighted, or security is such that threat elements may meet some resistance, be detected, or activate a remotely monitored alarm. Access to collect intelligence, operate, and evade response forces is at least partially hampered. Patrols, electronic monitoring, or alarm systems may be easily defeated or provide incomplete coverage.

PHOTO 14-1 Vehicle belonging to Homeland Security. Note that it is very similar to a police vehicle and is used by homeland security personnel to respond to emergencies.
Photo by Cliff Roberson

- Individual items within the facility, such as hazardous materials, weapons, explosives, or vehicles, are accessible with moderate force, or tampering may result in detection.
- Response units provide effective force to counter the experienced threat level. Physical security measures do not provide protection commensurate with the anticipated threat level.

- **Low vulnerability:** A combination of two or more of the following, provided continual awareness of the anticipated threat level is maintained:
  - Asset or facility is difficult to access from major highway or road network, or outside access is limited by geography.
  - Asset or facility has adequate, positive access control. Patrols, cameras, remote sensors, and other reporting systems are sufficient to preclude unauthorized entry, loitering, photography, or access to restricted areas.
  - Appropriate and reasonable safeguards are taken to prevent or hinder access to sensitive materials. Protection is commensurate with degree of material sensitivity and level of threat.
  - Response force is able to answer an infrastructure or facility breach with appropriate personnel, equipment, and timeliness.

Risk Assessment Calculation

risk assessment Assessment that combines criticality, threat, and vulnerability assessments to complete the portrait of risk to an asset or group of assets.

Risk assessment combines all earlier assessments—criticality, threat, and vulnerability—to complete the portrait of risk to an asset or group of assets. Numerous techniques are available for calculating risk, ranging from simple qualitative systems, to those based on complex quantitative formulas. A common feature of most methodologies is the input on which they are based. Almost every technique addresses the following three questions to aggregate the information obtained in each of the assessment steps:

- **Criticality:** Asks what the likely impact is if an identified asset is lost or harmed by one of the identified unwanted events. The risk equation used in most systems is expressed by this basic formula:

$$\text{Risk} = \text{Threat} \times \text{Vulnerability} \times \text{Criticality}$$

- **Threat:** Asks how likely is it that an adversary will attack those identified assets.
- **Vulnerability:** Asks what are the most likely vulnerabilities that the adversary or adversaries will use to target the identified assets.

The law enforcement executive or individual assigned to undertake these analyses can use the methods described previously to determine the risk of unwanted attack on each asset. The comprehensive results of each of the assessments can be summarized into a risk statement with an adjectival or numerical rating.

In this equation, risk is defined as the extent to which an asset is exposed to a hazard or danger. Threat times vulnerability represents the probability of an unwanted event occurring, and criticality equals the consequence of loss or damage to the critical infrastructure or key asset. Using this methodology in conjunction with a numerical scale or adjectival rating will produce an objective conclusion regarding the risk to an asset. Consistency in conducting the evaluations will result in a more accurate decision-making process. Photo 14-2 ■ contains a warning sign on the Alaska pipeline used to warn against terrorist acts.

THE MARITIME TRANSPORTATION ANTI-TERRORISM ACT OF 2002

With nearly 300 U.S. ports and about 25,000 miles of navigable waterways, protecting the nation's maritime system from terrorists presents a challenge with as many twists and turns as the nation's coastline.

The Maritime Transportation Anti-Terrorism Act of 2002 established a comprehensive national system to increase anti-terrorism security at U.S. ports and waterways. According to the American Association of Port Authorities (AAPA), the nation's ports and waterways witness over two billion tons of domestic and import/export cargo traffic annually, and that amount could triple by the year 2020. The transporting of basic commodities like apples, corn, lumber, iron ore, steel, potatoes, and plastics relies on ports and waterways. About two-thirds of all U.S. wheat and wheat flour, one-third of soybean and rice production, and almost two-fifths of U.S. cotton production are exported via U.S. ports.

"Just as airports have stepped up security, many seaports now have greater access controls, lighting, gates, fencing, ID systems, and additional personnel working to protect their facilities," said Kurt J. Nagle, President of the AAPA. The Coast Guard has also added security measures, including the inspection of all baggage, vessel escorts by armed guards, dock sweeps prior to ship arrivals, and elimination of curbside baggage check-in.

One section of the Act requires the Coast Guard to carry out vulnerability assessments for U.S. ports and any high-risk facilities in a port. Diverse frameworks of port environments make it impossible to standardize vulnerability assessments. The Port of South Louisiana is the largest tonnage port in the Western Hemisphere, stretching 54 miles along the Mississippi River.

The Secretary of Transportation's office was tasked with developing a national maritime transportation anti-terrorism planning system and coordinating national maritime terrorism response actions to deter and minimize damages from emergencies. The Act also provided for increased anti-terrorism efforts at foreign ports.

The Act requires assessments of foreign ports, including the screening process of cargo, the security measures used to restrict access to secure areas, and additional security on board. If a foreign port is deemed ineffective in its anti-terrorism measures and is not willing to cooperate in maintaining the efforts, the Under Secretary of Transportation may implement conditions of entry into the United States for any vessel arriving from that particular port, or any vessel carrying cargo originating from or transshipped through that port.

The operator of each commercial vessel arriving in the United States from a foreign port shall provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information: A passenger and crew manifest required under subsection (a) for a vessel shall contain the following information:

(1) The full name of each passenger and crew member.

(2) The date of birth and citizenship of each passenger and crew member.

(3) The sex of each passenger and crew member.

(4) The passport number and country of issuance of each passenger and crew member if required for travel.

(5) The U.S. visa number or resident alien card number of each passenger and crew member, as applicable.

(6) Such other information as the Under Secretary determines is reasonably necessary to ensure maritime safety.

Source: The Maritime Transportation Anti-Terrorism Act of 2002. (2002, Spring). *Journal of Counterterrorism & Homeland Security International,* 8(3).

FBI
INVESTIGATES ANY DESTRUCTION
OR
ATTEMPTED DESTRUCTION OF THE
TRANS ALASKA PIPELINE
OR
RELATED FACILITIES
The Hazardous Liquids Pipeline Safety Act of 1979 (Section 208(C)(2))
VIOLATION PUNISHABLE BY A MAXIMUM PENALTY OF 15 YEARS IMPRISONMENT AND/OR A FINE OF $25,000
NOTIFY THE FBI IMMEDIATELY OF ANY VIOLATIONS
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

PHOTO 14-2 Warning sign on Alaska pipeline. The DHS and the State of Alaska have taken steps to prevent a terrorist act on the pipeline.
Photo by Cliff Roberson

VOICES OF EXPERIENCE

FIRST RESPONDER TO A TERRORISTIC ATTACK

Excerpts from an interview between Cliff Roberson and former police officer, John M. Boal. Currently, Professor Boal is a full-time faculty member in the Criminal Justice Program at the University of Akron.

Q: What are the functions of a first responder to a terroristic attack?

A: First, handle the emergencies and then try to determine the extent of the damage and get an assessment of the situation. Determine how big a threat it is and how many units are needed. Once the emergencies are handled, the officer should try to preserve the evidence and control the scene.

Q: For the officers on patrol, are there any indicators or clues that a terroristic event may be in the planning stages?

A: They should be aware of their surroundings as most of them are aware—just anything out of the ordinary. A lot of people say that police officers have a sense that others don't have regarding things like this. What it really amounts to is the ability of police officers to pay attention to detail and find things that are not normal or things that don't fit; especially in places that are likely targets, like a water storage area, utility plant, or where large numbers of people are gathered.

Source: Used with the permission of John M. Boal, a faculty member in the Criminal Justice Program at the University of Akron.

New York City's Fight Against Terrorism

From 2002 to 2017, New York City has been targeted by more than 20 terror plots. New York City leaders, after having suffered devastating attacks, decided that the city had to take more responsibility for its own security, and that New York's first line of defense was not the military, the CIA, or the FBI, it was the New York Police Department (NYPD). The NYPD has approximately 37,000 officers and is larger than the standing armies of 84 countries. Since September 2001, the NYPD has transformed itself from a traditional crime-fighting organization into one that places a strong emphasis on fighting terrorism. Over a thousand officers have been assigned to work exclusively on a new "terrorism beat." And, in an unprecedented move, New York has stationed its own police officers overseas (as reported by CBS 60Minutes on September 25, 2011).

In 2002, NYPD Police Chief Ray Kelly created a Counter-Terrorism Bureau, expanded the Intelligence Division, and increased the number of cops working on terrorism with the FBI from 17 to 120. Kelly also ordered the NYPD's 37,000 officers to undergo training in how to handle chemical, biological, and radiological attacks, and mandated that the Emergency Services Unit be prepared to respond to scenarios like an attack on the subway.

The NYPD also conducts a counterterrorism operation called "a surge." About 100 police cars from all over the city swarm into an area like Times Square. These happen unannounced all over the city. The surge begins with an officer briefing, not only on their specific assignments, but also on a subject you might not expect—terrorist developments thousands of miles away. A "surge" results in a simultaneous deployment of about 200 cops to potential terrorist targets—and a visible demonstration to terrorists and New Yorkers of the widespread changes the NYPD has implemented since September 11, 2001. In addition, teams of heavily armed cops show up unannounced at train stations, office buildings, and other potential targets throughout the city (Hill, 2005, A17).

The NYPD requires its detectives to take courses, like one titled "Global Jihad," that covers subjects ranging from the history of Islam to the mind of a suicide bomber. It's taught in the Counter-Terrorism Bureau, which collects information on potential threats. Civilian analysts do research on everything from radical Islam and militant terrorist organizations to detailed analysis of bomb-making techniques and terrorist attacks. Security checks and bag searches on the city's subways and trains are routine. Every day, the Harbor Unit patrols landmarks from the Statue of Liberty to the Staten Island Ferry. Every day, police divers check the base of the Brooklyn Bridge for explosives. And every day, helicopters with high-tech cameras monitor the city, looking for anything out of the ordinary. The cyber unit drawn from the police department's own resources, NYPD officers from Middle Eastern and South Asian backgrounds, monitor online chat rooms for information that may indicate terrorist activities (Hill, 2005, A17).

▶ Anti-Terrorist and Disaster Recovery Agencies

Department of Homeland Security

The National Strategy for Homeland Security and the Homeland Security Act of 2002 established the DHS. A primary goal in the establishment of the DHS was to provide a unifying core for the national network of organizations and institutions involved in efforts to secure the nation. Presently, there are 180,000 individuals employed or under the direct supervision of the DHS.

In the event of a terrorist attack, natural disaster, or other large-scale emergency, the DHS is expected to assume primary responsibility for ensuring that emergency response professionals are prepared for any situation. This includes providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery effort. The DHS is tasked with prioritizing the issue of citizen preparedness, including educating the public on how best to prepare their homes for a disaster and tips for citizens on how to respond in a crisis.

DHS Vision Statement Preserving our freedoms, protecting America . . . we secure our homeland.

DHS Mission Statement We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.

SHOULD THE POLICE BE ALLOWED TO CONDUCT SURVEILLANCE OF POLITICAL GROUPS IN ITS ANTI-TERRORISM CAMPAIGN?

The New York Police Department (NYPD) was restricted in its surveillance of political groups because a federal consent decree prevents it from investigating political groups, unless the department possesses specific information about a crime. The original lawsuit was brought by civil liberties advocates who contend that New Yorkers had a right to engage in political activity without fear of being spied upon by the police [*Handschu v. Special Services Div*., 605 F. Supp. 1384, 1985 U.S. Dist. LEXIS 22007 (S.D.N.Y. 1985)].

The consent decree in question, known as the Handschu decree, has been in place since 1985, when the city settled a class-action lawsuit brought by political groups like the Black Panthers. The groups had been infiltrated and monitored because of their dissident views. The decree, named for attorney Barbara Handschu, required the police department to rely on specific information of criminal activity before it can investigate a political group. Investigating officers must present the information to a three-member panel, known as the Handschu Authority, for approval. Violating the decree subjected the city to contempt proceedings.

After September 2001, the NYPD argued that it can no longer live by these standards. In various court papers, it has described the Handschu guidelines as "unworkable" and outdated rules that "dangerously" limit the police department's ability to uncover and prevent terrorist attacks. Although the Handschu Authority's yearly reports show that the panel hardly ever denied a request for an investigation, city officials contended that the mere presence of the guidelines had a chilling effect and prevented officers from making requests (Perrotta, 2003, p. 1).

The federal court judge granted the NYPD's motion to modify the Handschu Guidelines, on the condition that the NYPD include in its Patrol Guide an adapted version of the FBI Guidelines approved by the Court [*Handschu v. Special Servs. Div.,* 2003 U.S. Dist. LEXIS 6790 (S.D.N.Y., Apr. 21, 2003); and *Handschu v. Special Servs. Div*., 2006 U.S. Dist. LEXIS 41940 (S.D.N.Y. June 20, 2006)].

Presently, the guidelines state:

- For the purpose of detecting or preventing terrorist activities, the NYPD (Intelligence Division) is authorized to visit any place and attend any event that is open to the public, generally on the same terms and conditions of members of the public generally.
- Pursuant to Modified Handschu Guidelines, the investigation of political activity may only be initiated by and conducted under the supervision of the Intelligence Division. Therefore, members of the service not assigned to the Intelligence Division may not use video recording or photography for the purpose of investigating political activity, without the express written approval of the Deputy Commissioner, Intelligence.

DHS Strategic Goals

Awareness: Identify and understand threats, assess vulnerabilities, determine potential impacts, and disseminate timely information to our homeland security partners and the American public.

Prevention: Detect, deter, and mitigate threats to our homeland.

Protection: Safeguard our people and their freedoms, critical infrastructure, property, and the economy of our nation from acts of terrorism, natural disasters, or other emergencies.

Response: Lead, manage, and coordinate the national response to acts of terrorism, natural disasters, or other emergencies.

Recovery: Lead national, state, local, and private-sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.

Service: Serve the public effectively by facilitating lawful trade, travel, and immigration.

Organizational Excellence: Value our most important resource, our people. Create a culture that promotes a common identity, innovation, mutual respect, accountability, and teamwork to achieve efficiencies, effectiveness, and operational synergies.

History: Who Became Part of the DHS? The agencies of the DHS are housed in one of four major directorates: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection.

The *Border and Transportation Security* directorate brings the major border security and transportation operations under one directorate, including:

- The U.S. Customs Service (Treasury)
- The Immigration and Naturalization Service (part) (Justice)
- The Federal Protective Service
- The Transportation Security Administration (Transportation)

- Federal Law Enforcement Training Center (Treasury)
- Animal and Plant Health Inspection Service (part) (Agriculture)
- Office for Domestic Preparedness (Justice)

The *Emergency Preparedness and Response* directorate oversees domestic disaster preparedness training and coordinates government disaster response. It will bring together:

- The Federal Emergency Management Agency (FEMA)
- Strategic National Stockpile and the National Disaster Medical System (HHS)
- Nuclear Incident Response Team (Energy)
- Domestic Emergency Support Teams (Justice)
- National Domestic Preparedness Office (FBI)

The *Science and Technology* directorate utilizes all scientific and technological advantages when securing the homeland. The following assets are part of this effort:

- CBRN Countermeasures Programs (Energy)
- Environmental Measurements Laboratory (Energy)
- National BW Defense Analysis Center (Defense)
- Plum Island Animal Disease Center (Agriculture)

The *Information Analysis and Infrastructure Protection* directorate analyzes intelligence and information from other agencies (including the CIA, FBI, DIA, and NSA) involving threats to homeland security and evaluates vulnerabilities in the nation's infrastructure. It brings together:

- Federal Computer Incident Response Center (GSA)
- National Communications System (Defense)
- National Infrastructure Protection Center (FBI)
- Energy Security and Assurance Program (Energy)

The Secret Service and the Coast Guard are located in the DHS, remaining intact and reporting directly to the Secretary. In addition, the INS adjudications and benefits programs report directly to the Deputy Secretary as the U.S. Citizenship and Immigration Services.

National Response System (NRS) The National Response System (NRS) is the government's mechanism for emergency response to discharges of oil and the release of chemicals into the navigable waters or environment of the United States and its territories. Initially, this system focused on oil spills and selected hazardous polluting substances discharged into the environment. It has since been expanded by other legislation to include hazardous substances and wastes released to all types of media.

The NRS functions through a network of interagency and intergovernmental relationships that were formally established and described in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP establishes three high-level organizations and four special-force components that are described in the following paragraphs.

Federal On-Scene Coordinators (FOSC). The FOSC is a federal official, predesignated by the EPA for inland areas and by the Coast Guard for coastal or major navigable waterways. These individuals coordinate all federal containment, removal, disposal efforts, and resources during an incident. The FOSC also coordinates federal efforts with the local community's response. Anyone responsible for reporting releases should be aware of

which FOSC has responsibility for the affected area. For locations near the coast or a major waterway, there may be both a Coast Guard and EPA FOSC with assigned responsibilities within jurisdictional boundaries of various state or local entities.

National Response Team (NRT). The NRT's membership consists of 16 federal agencies with interest and expertise in various aspects of emergency response to pollution incidents. The **National Response Team (NRT)** is a planning, policy, and coordinating body providing national-level policy guidance prior to an incident but not responding directly to an incident. They can provide assistance to an FOSC during an incident, usually in the form of technical advice or access to additional resources and equipment at the national level.

National Response Team (NRT) A planning, policy, and coordinating body providing national-level policy guidance prior to an incident but not responding directly to an incident.

Regional Response Team (RRT). The RRTs are the next organizational level in the federal response system. Currently, there are 13 RRTs, one for each of the ten federal regions, plus one each for Alaska, the Caribbean, and the Pacific Basin. Each team maintains a Regional Contingency Plan and both the state and federal governments are represented. The RRTs are primarily planning, policy, and coordinating bodies. They provide guidance to FOSCs through the Regional Contingency Plans and work to locate assistance requested by the FOSC during an incident. RRTs may also provide assistance to state and local governments in preparing, planning, or training for emergency response.

The four special-force components are:

- Coast Guard National Strike Force (NSF)
- Coast Guard Public Information Assist Team (PIAT)
- EPA Environmental Response Team (ERT)
- Scientific Support Coordinators (SSCs)

The *Coast Guard National Strike Force* (NSF) is composed of three strategically located strike teams and a coordination center. The strike teams have specially trained personnel and are equipped to respond to major oil spills and chemical releases. The coordination center maintains a national inventory listing of spill response equipment and assists with the development and implementation of an exercise and training program for the National Response System. NSF capabilities are especially suited to incidents occurring in the marine environment, but also include site assessments, safety, action plan development, and documentation for both inland and coastal zone incidents.

The *Coast Guard Public Information Assist Team* (PIAT) is a highly skilled unit of public affairs specialists prepared to complement the existing public information capabilities of the FOSC.

The *EPA ERT* is a group of specially trained scientists and engineers based in Edison, New Jersey, and Cincinnati, Ohio. Its capabilities include multimedia sampling and analysis, hazard assessment, cleanup techniques, and technical support.

The *National Oceanic and Atmospheric Administration* (NOAA) provides SSCs in coastal and marine areas. The SSC serves on the FOSC staff as the lead of a scientific team. This support team provides expertise in environmental chemistry, oil slick tracking, pollutant transport modeling, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, information management, contingency planning, and liaison to the scientific community and the natural resource trustees.

The primary function of the *National Response Center* (NRC) is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. In addition to gathering and distributing spill data for FOSCs and serving as the communications and operations center for the NRT, the NRC maintains agreements with a variety of federal entities to make additional notifications regarding incidents meeting established

trigger criteria. The NRC also takes Terrorist/Suspicious Activity Reports and Maritime Security Breach Reports.

The NRC is staffed by Coast Guard personnel who maintain a 24-hour-per-day, 365-day-per-year telephone watch. NRC watch standers enter telephonic reports of pollution incidents into the Incident Reporting Information System (IRIS) and immediately relay each report to the predesignated FOSC. The NRC also provides emergency response support to the FOSCs. This includes extensive reference materials, state-of-the-art telecommunications, and operation of automated chemical identification and chemical dispersion information systems. A wide range of technical systems support is provided to the NRC by the Space and Naval Warfare Systems Command (SPAWAR) Charleston—National Capital Region.

SOME ACRONYMS USED BY ANTI-TERRORIST AGENCIES

CBRNE Chemical, Biological, Radiological, Nuclear, and Explosive
COG Continuity of Government
EMAC Emergency Management Accreditation Program Emergency
EOC Emergency Operations Center
EOD Emergency Ordnance Disposal
HAN Health Alert Network
HAZMAT Hazardous Materials
HLSEM Homeland Security and Emergency Management
HSIN Homeland Security Information Network
HSOC Homeland Security Operations Center
HSPD Homeland Security Presidential Directive
LEATAC Law Enforcement Administrator's Telecommunications Advisory Committee
LEIN Law Enforcement Intelligence Network
MHz Megahertz
NIMS National Incident Management System
NIPP National Infrastructure Protection Plan
NRP National Response Plan
ODP Office for Domestic Preparedness
SAA State Administrative Agent
SNS Strategic National Stockpile
SWAT Special Weapons and Tactics
VRR Veterinary Rapid Response
USAR Urban Search and Rescue

FEMA

In 2003, the Federal Emergency Management Agency (FEMA) became part of the U.S. DHS. FEMA's mission within the DHS is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program.

The Stafford Disaster Relief and Emergency Assistance Act, PL 100-707, signed into law November 23, 1988, amended the Disaster Relief Act of 1974, PL 93-288. This Act constitutes the statutory authority for most federal disaster response activities, especially as they pertain to FEMA and FEMA programs. FEMA has more than 2,600 full-time employees. They work at FEMA headquarters in Washington, DC, at regional and area offices across the country, the Mount Weather Emergency Operations Center, and the National Emergency Training Center in Emmitsburg, Maryland. FEMA also has nearly 4,000 standby disaster assistance employees who are available for deployment after disasters. Often FEMA works in partnership with other organizations that are part of the nation's emergency management system. These partners include state and local emergency management agencies, 27 federal agencies, and the American Red Cross.

FEMA GUIDELINES: WHAT TO DO AFTER AN EARTHQUAKE

- **Expect aftershocks.** These secondary shockwaves are usually less violent than the main quake, but can be strong enough to do additional damage to weakened structures and can occur in the first hours, days, weeks, or even months after the quake.
- **Listen to a battery-operated radio or television.** Listen for the latest emergency information.
- **Use the telephone only for emergency calls**.
- **Open cabinets cautiously.** Beware of objects that can fall off shelves.
- **Stay away from damaged areas.** Stay away unless your assistance has been specifically requested by police, fire, or relief organizations. Return home only when authorities say it is safe.
- **Be aware of possible tsunamis if you live in coastal areas.** These are also known as seismic sea waves (mistakenly called "tidal waves"). When local authorities issue a tsunami warning, assume that a series of dangerous waves is on the way. Stay away from the beach.
- **Help injured or trapped persons.** Remember to help your neighbors who may require special assistance such as infants, the elderly, and people with disabilities. Give first aid where appropriate. Do not move seriously injured persons unless they are in immediate danger of further injury. Call for help.
- **Clean up spilled medicines, bleaches, gasoline, or other flammable liquids immediately.** Leave the area if you smell gas or fumes from other chemicals.
- **Inspect the entire length of chimneys for damage.** Unnoticed damage could lead to a fire.

Inspect utilities.

- **Check for gas leaks.** If you smell gas or hear blowing or hissing noises, open a window and quickly leave the building. Turn off the gas at the outside main valve if you can and call the gas company from a neighbor's home. If you turn off the gas for any reason, it must be turned back on by a professional.
- **Look for electrical system damage.** If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker. If you have to step in water to get to the fuse box or circuit breaker, call an electrician first for advice.

- **Check for sewage and water lines damage.** If you suspect sewage lines are damaged, avoid using the toilets and call a plumber. If water pipes are damaged, contact the water company and avoid using water from the tap. You can obtain safe water by melting ice cubes.

FEMA Guidelines for Disaster Alert

If you have advanced warning:

- People come first. Provide assistance. Note needs of people with disabilities.
- Move or secure vital records/high priority items if it can be done safely.
- Screw plywood over windows or use tape to reduce shattering. (Please note: Taping windows to prevent flying glass is not a recommended practice.)
- Verify master switch shut-off (water, gas, electricity) by trained staff.
- Move items away from windows and below-ground storage into water-resistant areas:
  - Flooding: move items to higher floors.
  - Hurricane: avoid areas under roof.
- Wrap shelves, cabinets, other storage units in heavy plastic sealed with waterproof tape.
- Move outdoor objects indoors or secure.
- Take with you lists of staff, institutional/public officials, insurance and financial data, inventory, emergency plan, and supplies.
- Appoint a staff contact to give instructions on returning to work.

Safety First!

- Remain calm, reassuring. Alert staff to potential hazards.
- Look for loose or downed power lines. Avoid area. Report problems to local utility.
- Look for electrical system damage: sparks, broken/frayed wires, smell of burning insulation. Turn off electricity at main switch if you can without risk.
- Shut off water.
- If you smell gas or hear blowing or hissing, open a window and immediately leave the building. Turn off gas at main valve if trained to do so. Call gas company at once.
- DO NOT REENTER THE BUILDING until declared safe by security or emergency management officials.

Getting Started Off-Site

- Gather staff off-site to assign tasks and review salvage priorities. Create a team big enough for the work.
- Establish a "Command Center" with office equipment (computers, photocopier) and communications tools (walkie-talkies, cell phones).
- Create a secure salvage area with locks, fans, tables, shelves, plastic sheeting, drying materials, and clean water.

- Notify emergency officials of the extent of the damage. Contact peer institutions or professional groups for help.
- Appoint a media liaison to report conditions and need for help/volunteers. You may have to limit access to collections.
- Verify financial resources: amount and terms of insurance, government assistance, potential outside funding.
- Contact service providers for generator, freezer, drying, or freeze-drying services and refrigerated trucking.
- Arrange for repairs to security system.

Stabilize the Building and Environment

- Some building contents may be contaminated. Do not enter without current tetanus shots, protective gloves/clothing, hard hat, and NIOSH-approved respiratory mask.
- Identify and repair structural hazards. Brace shelves. Remove debris from floor.
- Reduce temperature and relative humidity at once to prevent mold outbreak. Ideal targets are less than 70° F/45 percent RH.
- If warm outside, use coldest air conditioning setting; cover broken windows with plastic.
- In cool, low-humidity weather open windows, use circulating fans. If mold is already present, do not circulate air.
- Do not turn on heat unless required for human comfort.
- Remove standing water and empty items containing water; remove wet carpets and furnishings.
- If everything is soaked, use commercial dehumidification, except in historic buildings.
- Purchase needed supplies.

Documentation

- Once it is safe to enter the building, make a preliminary tour of all affected areas. Wear protective clothing.
- Do not move objects or collections without documenting their condition.
- Use a Polaroid-type camera or video camera to record conditions of collections and structure. Make sure images clearly record damage. Supplement with better quality photos when necessary.
- Make notes and voice recordings to accompany photographs.
- Assign staff to keep written records of contacts with insurance agents and other investigators, and staff decisions on retrieval and salvage.
- Make visual, written, and voice records for each step of the salvage procedures.

Retrieval and Protection

- Leave undamaged items in place if the environment is stable and the area is secure. If not, move them to a secure, environmentally controlled area.

- If no part of the building is dry, protect all objects with loose plastic sheeting.
- When moving collections, give priority to undamaged items and those on loan. Separate undamaged from damaged items.
- Until salvage begins, maintain each group in the same condition you found it; that is, keep wet items wet, dry items dry, and damp items damp.
- Retrieve all pieces of broken objects and label them.
- Check items daily for mold. If mold is found, handle objects with extreme care and isolate them.

Damage Assessment

- Notify insurance representative or risk manager. You may need an on-site evaluation before taking action.
- Make a rough estimate of the type of materials affected and the extent and nature of damage. A detailed evaluation can slow recovery now.
- Look for threats to worker safety or collections. Determine status of security systems.
- Look for evidence of mold. Note how long the materials have been wet and the current inside temperature and relative humidity.
- SEE DOCUMENTATION SECTION. Documenting the damage is essential for insurance and will help you with recovery.

Salvage Priorities

Establish salvage priorities by groups of materials, not item-by-item. A library might use subject areas or call numbers; archives, record groups; and a museum, material groupings.

Focus first protection efforts and salvage work on:

- Vital institutional information; employee and accounting records, accession lists, shelf list, and database backups.
- Items on loan from individuals or other institutions.
- Collections that most directly support the institution's mission.
- Collections that are unique, most used, most vital for research, most representative of subject areas, least replaceable, or most valuable.
- Items most prone to continued damage if untreated.
- Materials most likely to be successfully salvaged.

Historic Buildings: General Tips

- Contact architectural conservators, historic preservation agencies, FEMA, and/or structural engineers before cleanup, especially for buildings on the National Register of Historic Places.
- Follow the Secretary of the Interior's *Standards for Treatment of Historic Properties* (pp. 17–59).
- Remove standing water from basement and crawl spaces. Contact a structural engineer before pumping water; pumping can collapse the foundation when groundwater is high.

- Remove flood-soaked insulation, wallboard, and non-historic wall coverings. Support loose plaster with plywood and wood "T" braces.
- Clean historic elements first. Use non-abrasive household cleansers.
- If you treat non-historic features, do not harm historic elements.
- Inventory found items, loose decorative elements, furnishings, and collections. Save for reuse or as restoration models.
- Air dry with good ventilation. Never use systems that pump in super-dry air.

FBI

As part of its national security mission, the FBI has provided awareness information to reduce the vulnerability of U.S. persons, corporations, and institutions to intelligence and terrorist activities since the early 1970s. The initial focus of this program was the protection of classified government information, property, and personnel. In the 1990s, foreign intelligence services expanded their targeting to include private-sector proprietary economic information.

National Security Branch (NSB)

The FBI is the lead agency for exposing, preventing, and investigating terrorist intelligence activities on U.S. soil. The National Security Branch (NSB) was established under the FBI on September 12, 2005, in response to a presidential directive to establish a "National Security Service" that combines the missions, capabilities, and resources of the counterterrorism, counterintelligence, and intelligence elements of the FBI under the leadership of a senior FBI official.

NSB Mission Statement: To optimally position the FBI to protect the United States against weapons of mass destruction, terrorist attacks, foreign intelligence operations, and espionage by:

- Integrating investigative and intelligence activities against current and emerging national security threats.
- Providing useful and timely information and analysis to the intelligence and law enforcement communities.
- Effectively developing enabling capabilities, processes, and infrastructure, consistent with applicable laws, Attorney General and Director of National Intelligence guidance, and civil liberties.

NSB Vision Statement: To the extent authorized under the law, build a national awareness that permits recognition of a national security threat, sufficiently early to permit its disruption. This will be a discerning process that promotes the collection of relevant information and minimizes the accumulation of extraneous data that unnecessarily distracts from the analytical process.

Critical Incident Response Group (CIRG)

The FBI has established a CIRG to respond to critical incidents. The Operations Support Branch (OSB) of CIRG consists of the Crisis Negotiation Unit (CNU), Crisis Management Unit (CMU), and Rapid Deployment Logistics Unit. The OSB has various functions, including the rapid delivery of personnel to a scene, whether it is a bombing or crimes against children investigation. The OSB also stresses training and international law enforcement cooperation to ensure the most impressive capability.

Crisis Management Unit (CMU)

The mission of the FBI's CMU is to operationally support FBI field and headquarters entities during critical incidents or major investigations. The CMU also conducts crisis management training and related activities for the FBI, and other international, federal, state, and local agencies or departments. Thus, the CMU assists in the FBI's response to, and management of, worldwide incidents. In support of this mission, the CMU conducts several regional field training exercises each year. Each exercise involves multiple field offices and hundreds of employees. Liaison is also maintained with other federal agencies, including the FEMA, Department of Energy, Environmental Protection Agency, Health and Human Services, Bureau of Prisons, and the Department of Defense. In addition, the CMU maintains contact with international, state, and local agencies as required.

Crisis Negotiation Unit (CNU)

The FBI's CNU is part of the FBI's CIRG. As such, the CNU is responsible for the FBI's Crisis (Hostage) Negotiation Program. The mission of the CNU is fourfold:

- Operations.
- Training.
- Research.
- Program management.

The CNU maintains an immediate operational response capability of conducting and managing on-scene negotiations during any significant crisis event in which the FBI is involved. This response capability is available 24 hours a day, seven days a week. As part of the CNU's operational mission, negotiators deploy overseas to assist in the management of kidnapping situations involving the U.S. citizens. The FBI is considered the negotiation arm of the U.S. government for international incidents. Since 1990, the CNU has deployed to over 100 such incidents worldwide. CNU negotiators also routinely provide telephone assistance to both FBI field negotiators and domestic police negotiators during domestic crisis situations.

Critical Incident Negotiation Team (CINT)

In 1985, the FBI's CMU at the FBI Academy in Quantico, Virginia, established a CINT. This is a small, mobile team of highly trained and experienced FBI negotiators. Since its inception, the CINT has negotiated approximately 45 bank robberies and hijacking hostage incidents each year. The FBI deploys CINT negotiators both within and outside the United States.

Hostage Rescue Team (HRT)

The FBI's HRT is a full-time, national-level tactical team, headquartered in Quantico, Virginia. The mission of the HRT is to be prepared to deploy to any location within four hours of notification by the Director of the FBI or his/her designated representative, and conduct a successful rescue of U.S. persons and others who may be held illegally by a hostile force, either terrorist or criminal in nature. The HRT is also prepared to deploy to any location and perform other law enforcement activities as directed by appropriate authorities.

Awareness of National Security Issues and Response Team (ANSIR)

The FBI's ANSIR disseminates unclassified national security threat and warning information to the U.S. corporations, law enforcement, and other government agencies. ANSIR email provides this information at no charge to any interested person meeting the subscription prerequisites. In addition to making potential targets of intelligence and terrorist activities less vulnerable through awareness, the FBI has the response capability to act when these activities are identified.

State Homeland Security Agencies

Since September 11, 2001, most states have established a state homeland security agency. New York State probably has the largest state agency. A typical state agency is the one established by the State of Iowa, which will be discussed here.

VOICES OF EXPERIENCE

HOSTAGE NEGOTIATION

Excerpts from an interview between Cliff Roberson and former police officer, John M. Boal. Currently, Professor Boal is a full-time faculty member in the Criminal Justice Program at the University of Akron.

Q: How do you go about handling a hostage negotiation?

A: First, you should be concerned with the safety of everyone involved. You want to establish contact with the hostage takers as soon as possible and find out what their demands are. Ascertain if anyone has been injured and if anyone needs medical treatment. In many departments, the police negotiator is in charge of the crisis situation until the hostage taker becomes a threat to the safety of the hostages. Once the danger to hostages is imminent it becomes a tactical situation and is then handled by a tactical unit. The negotiator has to get a feeling for the situation and build rapport with the hostage takers and find out what they want. Early in the hostage event the negotiator initiates contact with the hostage taker and attempts to work with the hostage taker to resolve the situation without further harm. Dealing with a career criminal in a hostage situation is very different than dealing with someone who has a mental illness or someone who has a cause because in the latter cases you have less negotiating room. A career criminal generally understands how the system works and will take a more realistic view of the possible solutions. During the negotiations, the negotiators want to get as much information about the hostage takers as they can to assist in the negotiation process and understand their hostage taker. This information will also help determine when the negotiations need to cease and the situation needs to be handled tactically. An effective negotiator needs to be a good communicator, have good problem-solving skills, and have an understanding of human behaviors.

Source: Used with the permission of John M. Boal, a faculty member in the Criminal Justice Program at the University of Akron.

The Iowa Homeland Security and Emergency Management Division While the threat of terrorism in Iowa is believed to be relatively low, floods, tornadoes, and plane crashes can and do happen in Iowa. The Iowa Homeland Security and Emergency Management Division was created to deal with these and other emergency situations, with an emphasis on building partnerships with state and local emergency management organizations, and a strong focus on customer service.

The Code of Iowa, Chapter 29C, establishes the Iowa Homeland Security and Emergency Management Division as a Division within the Department of Public Defense and provides for the appointment of an administrator. The Department consists of two divisions: Homeland Security and Emergency Management, and the Military; and is headed by the adjutant general of Iowa. While the daily activities of the Military Division and Homeland Security and Emergency Management Division differ, there are many common issues that lend themselves to cooperative efforts; for example, in emergency/disaster response and recovery issues, training and exercises, and services to individual citizens and public and private entities, the Iowa Homeland Security and Emergency Management Division and the Military Division continue to seek opportunities to jointly implement activities.

The Iowa Homeland Security and Emergency Management Division has the responsibility to support local entities as they plan and implement mitigation, preparedness, response, and recovery strategies. The Division provides technical assistance, training,

exercise facilitation, communications, and other support necessary for establishing and maintaining local capabilities. The Iowa Homeland Security and Emergency Management Division is the link and coordinating entity that ensures consistency and compliance with various federal and state requirements and regulations.

The Division has the responsibility to work with all state agencies in Iowa, in support of their emergency management needs, and to better coordinate their services to citizens and public and private entities. Technical assistance, planning, exercise facilitation, and multi-agency collaborative efforts are part of the Division's role with state agencies. In addition, the Division assists the Iowa Emergency Response Commission to improve community preparedness for chemical emergencies. Code of Iowa, Chapter 30, sets forth the Division's duties in relation to the Iowa Emergency Response Commission.

The Division's responsibilities extend beyond state boundaries as well. The Division works effectively in cooperative efforts with other states to provide a mutual benefit through the multi-state Emergency Management Assistance Compact (EMAC). Since Iowa became a member of the EMAC in 1997, it has deployed 26 state employees to other states. In addition, the Division coordinates, implements, and administers federal emergency management initiatives in a joint endeavor with the FEMA and other federal agencies, to ensure consistency within the state. The Division also relies on the National Emergency Management Association, the association of state emergency management directors. The National Emergency Management Association provides expertise in comprehensive emergency management and is a source of vital information and assistance for the Iowa Homeland Security and Emergency Management Division and other members.

Civil Defense Battalions

Some law enforcement agencies are establishing civil defense battalions of citizen volunteers to assist the agencies in cases of natural disasters and terrorist acts. A typical battalion is that formed by the Austin, Texas, Police Department.

Austin Civil Defense Battalion

Mission Statement: To be in readiness as well-trained civil defense volunteers to support the work of the Austin Police Department.

Executive Summary: The Austin Police Department (APD) is well positioned and well trained to respond to critical incidents as defined by events prior to September 11, 2001. The terrorist attacks on the United States on September 11 necessitated a fresh look at our ability to respond to a catastrophic event of heretofore unimagined proportions. An assessment of strengths and needs underscored our confidence in many areas of training and staffing; however, the identified areas needing additional resources led to the creation of a Major Event Team (MET) equipped and trained to handle terrorist attacks and/or civil unrest or panic resulting from such attacks. A natural part and extension of the MET is the creation of a Police Civil Defense Battalion, consisting of a well-trained corps of volunteers prepared to respond quickly to supplement the work of APD officers. These volunteers would begin working within APD immediately to become familiar with departmental procedures and to work in areas needing assistance at this time. The Police Civil Defense Battalion would consist of four companies, each trained to handle specially identified tasks with the goal of freeing officers to handle assignments requiring highly trained police officers. The Office of Community Liaison (OCL) has responsibility for recruitment, coordination and scheduling for training, and placement of volunteers.

Training in all areas will be offered and some immediate assignments will be given. Ongoing training will be offered to maintain readiness. Volunteers working outside of the police facilities will work in pairs only.

Structure: The four companies would be designed to work in clearly defined areas.

Company "A" (Aviation Detail)—Assigned to the Aviation Police, assignments would include the following:

- Information dissemination to airport visitors through the Airport Ambassadors program.
- Assist in getting housing and/or transportation for stranded passengers in the event of a crisis or closure of the airport.

Company "B" (Homeland Security Supplemental Services)—Assigned to the MET for immediate assignments in various areas within the department to ensure continued services and provide for newly identified needs:

- Daylight perimeter patrol of city facilities.
- Parking control and building access control for police and other city facilities.
- Work special events (e.g., New Year's Eve—work the barricades with officers providing information to citizens and reporting disturbances).
- Daylight patrol in areas where multiple offenses of similar types have been reported.

Company "C" (Headquarters Detail)—Immediate assignments to assist officers in critical areas:

- Work in the control booth at the main police station greeting visitors, providing information, and escorting visitors through the building.
- Abandoned Vehicle Volunteer Program—increase the number of volunteers tagging abandoned/junked vehicles on public property (opening up neighborhood streets for easier access by emergency vehicles).
- Assist in answering phones and providing information in all police facilities.
- Make copies and distribute information as needed.

Company "D" (Homeland Security)—Activated should a critical incident occur, assigned to the MET to provide centralized services:

- Former police officers may receive special assignments.
- Activate phone tree to call in volunteers and provide information to the community.
- Supplement 3-1-1 call-takers to handle callers seeking information only.
- Daylight incident perimeter control—maintaining police lines.
- Traffic control—freeing officers to work inside incident perimeters.
- Supplement Red Cross efforts by providing food and water for officers and victims—recruit restaurants to provide these provisions in the event of need; arrange for portable toilets and dumpsters at incident sites.
- Maintain list of volunteers who speak various languages.
- Maintain a "message board" for missing persons.
- Call the families of officers and other emergency workers at an incident scene with reassurance and information.
- Call neighborhood groups to enlist assistance as needed and contact congregational groups who have agreed to open facilities as shelters in each area command.
- Chaplains would respond to the scene and provide services as outlined in their volunteer protocol.
- Should dispatch fail, volunteers to go to each fire station to take calls and relay messages to officers.

How Do You Apply? You must be at least 18 years old and live or work in the Austin area. The Civil Defense Battalion requires its personnel to meet the following physical demands:

- Vision and hearing corrected to normal range.
- Ability to stand for two or more hours at a time.
- Ability to lift at least 20 pounds.
- Each applicant must complete the Civil Defense Battalion Application and the Personal History Form. Once these forms are completed, please deliver them in person so your thumbprint can be taken for a Criminal Background Check. The address is 1009 E. 11th St., Austin, TX 78701.

▶ Bomb Threats

Police frequently deal with bomb threats and most of the time they are not associated with "terrorist activity" but with the activities of a single disturbed person. Regardless of the reason for the threat, the officer needs to treat each threat as if it were credible. Anything that looks or resembles explosive material is extremely dangerous and should be handled only by experts. As a patrol officer on the scene, your primary concern is the safety of the public.

Frequently, bomb threats are false reports designed to create excitement or disruption. The attention caused by the arrival of emergency vehicles may stimulate repeated bomb threats. To offset this, many law enforcement agencies, when responding to a bomb threat, require that the approach of emergency vehicles be as unobtrusive as possible.

The *New York Manual for Police* (2005, 3-10-1) recommends the following steps when you receive a bomb threat:

- Obtain as much information as possible.
  - Where is the bomb located?
  - When will it go off?
  - What does it look like?
  - What kind of explosive is involved?
  - Why was it placed?
- Note the time of the call and the exact words used.
- Note whether the caller was male or female; adult or child; and approximate age.
- Describe the speech characteristics of the caller to include whether the caller was slow, rapid, or normal; loud; disguised; broken; accented; sounded sincere or insincere.
- Note presence or absence of background noise.
- Notify the appropriate superior.
- Record all pertinent information.

The first officer on the scene of a bomb threat in most cases should attempt to evacuate the area. Do not use elevators during an evacuation. (**Note:** The final decision to evacuate is generally the sole responsibility of the person in charge of the establishment.) If appropriate, a thorough search should be made of the area. Care should be taken in the use of police radios because the radio transmissions may detonate the bomb. Open all doors and windows in the building being searched to minimize damage, if the device detonates. If possible, use telephones for communication purposes. If an actual or suspected device

is located, secure the area and request expert assistance. Do not take any action to move or disarm the device—leave that to the experts. If a device is located, do not terminate the search; there may be more than one device on the scene.

▶ Hostages

Hostage negotiation is one of the most publicized actions of law enforcement agencies and also one of the most misunderstood actions that police officers undertake. The FBI divides hostage situations into four broad categories: the terrorist situation, the prison situation, the criminal situation, and the mentally disturbed situation.

Training for hostage negotiators is complex and requires significant communications skills. Except in unusual situations, an officer should wait for trained negotiators before attempting to negotiate with any hostage taker.

The patrol officer should attempt to obtain as much information as possible on the hostage takers to pass on to the negotiator. There are primary information goals that are needed for a successful negotiation. The officer must attempt to obtain specific information about the incident so that the negotiator can negotiate with the suspect realistically. In doing this, the officer should attempt to determine the motivation and intent of the hostage takers and whether or not they are mentally disturbed. The officer must listen to what the hostage taker is saying for clues as to the mental condition or motivation of the hostage taker.

The patrol officer's duties in a hostage situation include:

- Approach the scene with caution—there may be sniper fire.
- Do not use the siren when approaching the scene.
- If necessary, evacuate persons from the area.
- Protect witnesses in a safe area for later debriefing.
- Keep the desk officer or your supervisor informed of the severity of the situation and any unusual difficulties.
- When the Hostage Negotiation Team arrives and you are relieved, report to the senior officer on the scene for debriefing.

Source: Manual for Police of New York State, 2005, 03-35-3.

MANUAL FOR POLICE OF NEW YORK STATE 03-35-1 (2005)

> When a person is held hostage; the situation must be carefully surveyed and evaluated. The safety of the police and hostage(s) is the most important consideration in any hostage situation. Experience demonstrates that the most desirable approach to such a situation is using trained hostage negotiators. Reckless and imprudent action must be avoided.

Several police agencies throughout New York State have hostage negotiation teams. The state police maintain a team in each of their troops. The most important element of a hostage negotiation situation is time. Time is a tool used to de-escalate these tense situations. The more time that is gained through negotiations, the more likely it is that the situation will be concluded without violence.

Summary

- A patrol officer's response to a natural disaster or terrorist act can be learned.
- The preparation for handling any disaster begins in your head. Patrol officers should think about what disasters they could encounter and how they would respond to each.
- Whether it's an act of terrorism or a natural disaster, it is likely that a patrol officer will be the first responder. The primary responsibilities of first responders when they arrive at the scene are to protect life, maintain order, conduct traffic control, protect property from further damage, help establish communications, and assist in the coordination of the response of other emergency personnel.
- One of the officer's first responsibilities as a first responder at the scene of an emergency is to assess the situation and communicate an assessment to supervisors. Traditional crime is characterized by spontaneity, lack of planning, and pecuniary or personal motives. In contrast, terrorism generally involves persons or groups motivated by political or social goals, ideological justification, and considerable forethought and planning.
- Threat assessment is a systematic effort to identify and evaluate existing or potential terrorist threats to a jurisdiction and its target assets. Due to the difficulty in accurately assessing terrorist capabilities, intentions, and tactics, threat assessments may yield only general information about potential risks.
- Vulnerability assessment is the identification of weaknesses in physical structures, personnel protection systems, processes, or other areas that may be exploited by terrorists. The vulnerability assessment may also suggest options to eliminate or mitigate those weaknesses.
- Risk assessment combines the assessments of criticality, threat, and vulnerability to determine the risk to an asset or group of assets.
- The DHS has the primary goal of providing a unifying core for the national network of organizations and institutions involved in efforts to secure the nation. In the event of a terrorist attack, natural disaster, or other large-scale emergency, the DHS is expected to assume primary responsibility for ensuring that emergency response professionals are prepared for any situation.
- The FBI provides awareness information to reduce the vulnerability of the U.S. persons, corporations, and institutions to intelligence and terrorist activities.
- Since September 11, 2001, most states have established a state homeland security agency.
- Some law enforcement agencies are establishing civil defense battalions of citizen volunteers to assist the agencies in cases of natural disasters and terrorist acts.
- Police frequently deal with bomb threats and most of the time they are not associated with "terrorist activity" but with the activities of a single disturbed person. Regardless of the reason for the threat, the officer needs to treat each threat as if it were credible. Anything that looks or resembles explosive material is extremely dangerous and should be handled only by experts. As a patrol officer on the scene, your primary concern is safety of the public.
- Hostage negotiation is one of the most publicized actions of law enforcement agencies and also one of the most misunderstood actions that police officers undertake.

Classroom Discussion Questions and Activities

1. Perform a terrorist risk assessment for your hometown or city.
2. List the types of natural disasters that may occur in your home county or parish and explain what actions should be taken in the event of a natural disaster.
3. Can we win the war on terrorism? Justify your opinion.
4. Explain the responsibilities of a first responder.
5. How does a terrorist act differ from an ordinary criminal act?

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CHAPTER OUTLINE

- Introduction
- Searches
- Warrant Clause of the Fourth Amendment
- Exceptions to the Fourth Amendment
- Arrests
- Exclusionary Rule
- Civil Liability
- Use of Force
- Summary

15 Legal Constraints on Police Operations

OBJECTIVES

After completion of this chapter, you should be able to do the following:

- *Define what constitutes a search within the meaning of the Fourth Amendment.*
- *Describe what is required before a search or arrest warrant will be issued.*
- *Explain the concept of probable cause.*
- *Explain the requirements for a Terry stop.*
- *Define the actions necessary to constitute an arrest.*
- *Explain the general rules regarding the use of force by police officers.*
- *Explain when the police may use deadly force.*

▶ Introduction

In this chapter, the legal constraints that impact police operations are discussed. Those constraints include search and seizure, civil liability, and the use of force by police officers. These subjects are complex and a complete coverage of each would result in volumes of text. Accordingly, only the basics of each subject will be covered. Our goal is to provide the reader with a working knowledge of legal constraints that impact police operations. The discussions will focus on the general legal rules within the United States. In some jurisdictions, state constitutions, statutes, court rules, and local practices may vary. In actual practice, when in doubt, consult the local police legal advisor. The reader should be aware that, because of court decisions or statutory changes, the basic legal concepts change frequently.

▶ Searches

Any study of the restrictions on police searches must begin with a review of the elements of the Fourth Amendment of the U.S. Constitution. The Fourth Amendment, with its convoluted word structure, is not a model of clarity. The amendment has two key phrases: The first phrase protects individuals from unreasonable searches and seizures of their homes, papers, and effects. The second phrase, known as the warrant clause, sets forth the requirements for and restrictions on issuing a warrant. **Note:** While an arrest is a seizure within the meaning of the Fourth Amendment, arrests will be discussed in a separate part of this chapter.

Note: The amendment does not prohibit searches and seizures, but only the "unreasonable" ones. What constitutes an unreasonable search will be discussed in the chapter. Note that only persons, houses, papers, and effects are protected by the amendment. Also note that while the warrant clause describes the requirements and limitations of a warrant, it does not require that a warrant be issued before conducting a search. The warrant requirement will also be discussed in this chapter. As a rule, the U.S. Supreme Court has held, regarding searches, that you must get a warrant unless certain circumstances exist.

THE FOURTH AMENDMENT OUTLINED

- The right of the people to be secure in their
- persons
- homes
- papers
- effects

against unreasonable searches and seizures, shall not be violated.

- No warrant shall issue, but
- upon probable cause
- supported by oath or affirmation
- particularly describing the
  - –place to be searched
  - –the persons or things to be seized

As a rule, the Fourth Amendment does permit searches and seizures that are considered reasonable. Accordingly, the police may override citizen's privacy concerns and conduct a search of the citizen, his or her home, barn, car, boat, office, personal or business documents, bank account records, trash barrel, or whatever, if:

- the police have probable cause to believe they can find evidence that you committed a crime, and a judge issues a search warrant, or
- the circumstances justify the search without a warrant first being issued.

What Constitutes a Search?

Unless the incident qualifies as a search or seizure, it is not restricted by the Fourth Amendment. The U.S. Supreme Court currently uses the *privacy approach* in deciding what constitutes a search.

The *privacy approach* was first formulated by the Court in the case of *Katz v. United States*, 389 U.S. 347 (1967). In Katz, federal agents suspected illegal activities and installed an electronic listening device outside a public telephone booth that Katz frequently used. At trial, when Katz moved to exclude intercepted conversations, the government argued that there was no search of a person, house, papers, or effects, and therefore the Fourth Amendment did not apply. The government also contended that the telephone booth was a public place and not subject to the Fourth Amendment's restrictions.

The Supreme Court held that listening to private conversations between people may constitute a search. The Court stated that the Fourth Amendment protects people, not property. The Court stated: "What a person knowingly exposes to the public, even in his own home or office, is not a subject of the Fourth Amendment's protection . . . But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

Therefore, a **search** was defined by the Court as a government intrusion into an area or interest where a person has a reasonable expectation of privacy and the public accepts that expectation. So, would the results in the Katz case have been different had the government, rather than placing a listening device outside the telephone booth, positioned an undercover agent dressed as a homeless person near the booth in such a manner that the agent could hear the conversation? Under this scenario, the government's actions would probably not be considered a search, because talking on a telephone within the hearing distance of another person (the apparent homeless person) would not constitute a reasonable expectation of privacy.

search A government intrusion into an area or interest where a person has a reasonable expectation of privacy.

In the Katz case, federal agents attached the listening device to the telephone booth. What would have been the results if Katz's girlfriend had placed the listening device to catch him cheating on her? What if after the girlfriend intercepted the messages she turned them over to the federal agents? (**Note:** A prohibited search is based on a "government intrusion.") Under this scenario there was no government intrusion, the intercepted conversations would not be prohibited by the Fourth Amendment. If, however, the federal agents had influenced the girlfriend to place the listening device in the booth, this would constitute a government intrusion based on the concept that the girlfriend was acting as an agent for the government.

One of the defined requirements noted earlier was the requirement of a *reasonable expectation of privacy*. Included within the reasonable expectation of privacy is the requirement that society accept the expectation as reasonable. The expectation of privacy by the individual is a subjective expectation and the requirement that society accept the expectation is an objective expectation.

Consider this scenario: John lives in a suburban area. He has purchased a large number of illegal drugs and is in the process of dividing them into smaller bags for retail sales.

Does John have a reasonable expectation of privacy if he is dividing and repackaging the drugs in his front room with the windows open and he can be observed from the sidewalk? It is unlikely that a court would hold that his expectation of privacy was objectively reasonable.

Instead of dividing the drugs in his living room, John does the work in his bathroom. There is only one small window in the bathroom and an officer was required to stand upon a drainage pipe to look into the bathroom window. In this situation, a court would probably hold that John had a reasonable expectation of privacy.

CASE STUDY *Missouri v. McNeely*

133 S. Ct. 1552 (2013)

Defendant Tyler McNeely was prosecuted for driving while intoxicated (DWI). His counsel moved to suppress the results of a warrantless blood test. The trial court denied defense motion and he was convicted of DWI. His conviction was affirmed by the Missouri Supreme Court. The case was before the U.S. Supreme Court on the federal issue of whether his rights under the Fourth Amendment to the U.S. Constitution were violated by the use of the warrantless blood test as evidence of his guilt.

Justice Sotomayor, writing the majority opinion, held that natural metabolization of alcohol in the bloodstream does not present a per se exigency that justifies an exception to the Fourth Amendment's search warrant requirement for nonconsensual blood testing in all drunk-driving cases, and instead, exigency in this context must be determined case by case based on the totality of the circumstances.

Key points in the decision include:

- A warrantless search of the person is reasonable only if it falls within a recognized exception to the Fourth Amendment's search warrant requirement.
- One well-recognized exception to the Fourth Amendment's search warrant requirement applies when the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search is objectively reasonable under the Fourth Amendment.
- A variety of circumstances may give rise to an exigency sufficient to justify a warrantless search, including law enforcement's need to provide emergency assistance to an occupant of a home, to engage in "hot pursuit" of a fleeing suspect, or to enter a burning building to put out a fire and investigate its cause.
- In some circumstances, law enforcement officers may conduct a search without a warrant to prevent the imminent destruction of evidence.
- The natural metabolization of alcohol in the bloodstream does not present a per se exigency that justifies an exception to the Fourth Amendment's search warrant requirement for nonconsensual blood testing in all drunk-driving cases, and instead, exigency in this context must be determined case by case based on the totality of the circumstances.
- The principle that a warrantless search of the person is reasonable only if it falls within a recognized exception to the Fourth Amendment's search warrant requirement applied to the compelled physical intrusion beneath a motorist's skin and into his veins to obtain a sample of his blood for use as evidence in a criminal investigation for DWI; such an invasion of bodily integrity implicated an individual's most personal and deep-rooted expectations of privacy.
- A finely tuned "totality of the circumstances" approach is applied when determining Fourth Amendment reasonableness, in the context of a warrantless search where a law enforcement officer faced an alleged exigency, because the police action at issue lacks the traditional justification that a warrant provides, and absent that established justification, the fact-specific nature of the reasonableness inquiry demands that the court evaluate each case of alleged exigency based on its own facts and circumstances.
- In those drunk-driving investigations where police officers can reasonably obtain a warrant before a blood sample can be drawn without significantly undermining the efficacy of the search, the Fourth Amendment mandates that they do so.
- Factors present in an ordinary traffic stop of a suspected drunk driver, such as the procedures in place for obtaining a search warrant or the availability of a magistrate judge, may affect whether the police can obtain a search warrant in an expeditious way and therefore may establish an exigency that permits a warrantless blood draw.

- Search warrants are ordinarily required for searches of dwellings, absent an emergency; no less could be required where intrusions into the human body are concerned, even when the search was conducted following a lawful arrest. The importance of requiring authorization by a neutral and detached magistrate before allowing a law enforcement officer to invade another's body in search of evidence of guilt is indisputable and great.

As a police officer, how would you read the above decision regarding your right to take an involuntary blood sample from a driver arrested for suspected DWI? Would it be fair to state that the court's decision means that you must get a warrant unless you can't?

Consider the following scenario: As a state highway patrol officer, you stop a driver who appears to be intoxicated. You notice that there are beer cans and whiskey containers in the backseat of the car. You arrest the driver and book him at the local police station. The state authorizes telephonic search warrants. You attempt to contact by telephone the four local magistrates to obtain a warrant to take the suspect's blood. You are unable to contact any of the four magistrates, probably because it is New Year's Eve. Do the facts justify the taking of the suspect's blood? If not, what additional facts do you need? (See *Bernard v. State of Minnesota*, 2016 WL 1085518 (2016) for an excellent discussion of this situation by Associate Supreme Court Justice Samuel Alito.)

Houses

Houses are one of the protected items specifically listed in the Fourth Amendment. The U.S. Supreme Court has always protected the sanctity of the home. As will be discussed later in the chapter, except under limited exceptions, the police must have a warrant to search a home. The Court has expanded the protection of "house" to include the actual structure and the living space surrounding the home. The protected living space is considered the home's curtilage.

The tradition of expanded protection of the home existed in English common law prior to the adoption of the U.S. Constitution. William Pitt, in his 1763 address before the House of Commons in England, stated, "The poorest man may in his cottage bid defiance to all forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement" (Hendrie, 1998, 25–28).

In *United States v. Dunn*, 480 U.S. 294 (1987), the Supreme Court described the curtilage as the "area to which extends the intimate activity associated with the sanctity of a person's home and the privacies of life." The Court, in *Dunn*, established four factors to consider in determining whether an area was within the curtilage:

- What is the proximity of the area to the home?
- Is the area within the same enclosure as the home?
- What is the nature of the use to which the area is put?
- What steps have been taken by the resident to prevent the area from being viewed by passersby?

In the *Dunn* case, the Court held that a barn was not within the curtilage of the house. The barn was located on a 198-acre ranch and was 60 yards from the house and 50 yards from a second fence surrounding the home. The Court noted that there was no indication that the barn was being used for those intimate activities normally associated with the home. In Dunn, law enforcement officers had smelled the odor of precursor chemicals normally used in the manufacture of illegal drugs. The officers had approached the barn from an open field and noticed suspicious activity. Using this information, the officers obtained a search warrant and searched the barn. The officers discovered evidence that was used to convict defendants of manufacturing illegal drugs. The Court held that the evidence was admissible.

Standing

standing Based on the rule that defendants generally must assert their own legal rights and interests and cannot rest their claim to relief on the legal rights or interests of another person.

The legal concept of **standing** is based on the rule that defendants generally must assert their own legal rights and interests and cannot rest their claim to relief on the legal rights or interests of another person. This rule assumes that the party with the right has the appropriate incentive to challenge (or not challenge) governmental action and to do so with the necessary zeal and appropriate presentation. It represents a concern that if the claim is brought by someone other than one at whom the constitutional protection is aimed, the courts might be called upon to decide abstract questions of wide public significance, even though other governmental institutions may be more competent to address the questions and even though judicial intervention may be unnecessary to protect individual rights [*Warth v. Seldin*, 422 U.S. 490, 498 (1975)].

To have standing to object to a search, your constitutional rights must be violated; for example, Covington's home was illegally searched, and the evidence was used to convict Brown of receiving stolen merchandise. Brown could not object to the illegal search of Covington's home because Covington's constitutional rights, not Brown's, were violated. [See *Rawlings v. Kentucky*, 448 U.S. 98 (1980).]

Whitmore v. Arkansas, 495 U.S. 149 (U.S. Supreme Court, 1990) examined the question of whether a third party had standing to challenge the validity of a death sentence imposed on a capital defendant, Simmons, who refused to appeal his death sentence. The petitioner was a Catholic priest who counseled inmates at the Arkansas Department of Correction. The priest contended that the Eighth and Fourteenth Amendments prevented the State of Arkansas from carrying out the death sentence imposed on Simmons without first conducting a mandatory appellate review of Simmons' conviction and sentence. The Supreme Court held that the priest lacked standing to contest the decision to execute Simmons and dismissed the petition.

In *Rakas v. Illinois*, 439 U.S. 128 (U.S. Supreme Court, 1978), the defendants were convicted of armed robbery and their convictions were affirmed on appeal. At their trial, the prosecution offered into evidence a sawed-off rifle and rifle shells that had been seized by police during a search of an automobile in which the petitioners had been passengers. Neither defendant was the owner of the automobile and neither had ever asserted that he owned the rifle or shells seized. The Illinois Appellate Court held that the petitioners lacked standing to object to the allegedly unlawful search and seizure and denied their motion to suppress the evidence. The court stated that: "We believe that the defendants failed to establish any prejudice to their own constitutional rights because they were not the persons aggrieved by the unlawful search and seizure. . . . They wrongly seek to establish prejudice only using evidence gathered as a consequence of a search and seizure directed at someone else and fail to prove an invasion of their own privacy."

CASE STUDY *Kirk v. Louisiana*

536 U.S. 635 (2002)

On an evening in March, 1998, police officers observed the petitioner's apartment based on an anonymous citizen complaint that drug sales were occurring there. After witnessing what appeared to be several drug purchases and allowing the buyers to leave the scene, the officers stopped one of the buyers on the street outside the petitioner's residence. The officers later testified that, "because the stop took place within a block of the apartment, they feared that evidence would be destroyed and ordered that the apartment be entered." Thus, "they immediately knocked on the door of the apartment, arrested the defendant, searched him thereto, and discovered the cocaine and the money." Although the officers sought and obtained a search warrant while they detained the petitioner in his home, they only obtained this warrant after they had entered his home, arrested him, frisked him, found a drug vial in his underwear, and observed contraband in plain view in the apartment.

Supreme Court's Decision: Police officers entered the petitioner's home, where they arrested and searched him. The officers had neither an arrest warrant nor a search warrant. Without deciding whether exigent circumstances had been present, the Louisiana Court of Appeals concluded that the warrantless entry, arrest, and search did not violate the Fourth Amendment of the U.S. Constitution because there had been probable cause to arrest the petitioner. The court's reasoning plainly violates our holding in *Payton v. New York*, 445 U.S. 573, 590 (1980), that "absent exigent circumstances," the "firm line at the entrance to the house . . . may not reasonably be crossed without a warrant." We thus grant the petition for a *writ of certiorari* and reverse the Court of Appeal's conclusion that the officers' actions were lawful, absent exigent circumstances.

"The Fourth Amendment to the U.S. Constitution has drawn a firm line at the entrance to the home, and thus, the police need both probable cause to either arrest or search and exigent circumstances to justify a nonconsensual warrantless intrusion into private premises. . . . Here, the defendant was arrested inside an apartment, without a warrant, and the state has not demonstrated that exigent circumstances were present. Consequently, the defendant's arrest was unconstitutional, and his motion to suppress should have been granted." (The decision was issued **per curiam**, which means that all justices agreed and there was no principal author of the opinion.)

The Supreme Court refused to extend the rule of standing in Fourth Amendment cases in the manner suggested by the defendants. The Court stated that the "Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted."

The Court noted that persons who are aggrieved by an illegal search and seizure only through the introduction of damaging evidence secured by a search of a third person's premises or property have not had any of their Fourth Amendment rights infringed upon. Because the exclusionary rule is an attempt to effectuate the guarantees of the Fourth Amendment [*United States v. Calandra*, 414 U.S. 338, 347 (1974)], it is proper to permit only defendants whose Fourth Amendment rights have been violated to benefit from the rule's protections. The Court concluded that there was no reason to think that parties whose rights have been infringed upon will not, if evidence is used against them, have ample motivation to move to suppress it. Even if such persons were not defendants in the action, they may be able to recover damages for the violation of their Fourth Amendment rights or seek redress under state law for invasion of privacy or trespass.

per curiam A court decision where all the justices agree and there is no principal author of the opinion.

Defendants urged the U.S. Supreme Court to relax or broaden the rule of standing enunciated in *Jones v. United States*, 362 U.S. 257 (1960), so that any criminal defendant at whom a search was "directed" would have standing to contest the legality of that search and object to the admission at trial of evidence obtained because of the search. Alternatively, they argued that they had standing to object to the search because they were "legitimately on the premises" at the time of the search.

The Supreme Court refused to extend the rule of standing in Fourth Amendment cases in the manner suggested by the defendants. The Court stated that the "Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted."

The Court noted that persons who are aggrieved by an illegal search and seizure only through the introduction of damaging evidence secured by a search of a third person's premises or property have not had any of their Fourth Amendment rights infringed upon. Because the exclusionary rule is an attempt to effectuate the guarantees of the Fourth Amendment [*United States v. Calandra*, 414 U.S. 338, 347 (1974)], it is proper to permit only defendants whose Fourth Amendment rights have been violated to benefit from the rule's protections. The Court concluded that there was no reason to think that parties whose rights have been infringed upon will not, if evidence is used against them, have ample motivation to move to suppress it. Even if such persons were not defendants in the action, they may be able to recover damages for the violation of their Fourth Amendment rights or seek redress under state law for invasion of privacy or trespass.

curtilage The area outside the home itself, but so close to and intimately connected with the home and the activities that normally go on there that it can reasonably be considered part of the home.

CASE STUDY *Florida v. Jardines*

133 S. Ct. 1409 (2013)

Defendant, Joelis Jardines, was charged with trafficking in cannabis and theft of electricity. Defense moved to suppress evidence seized pursuant to a search warrant that was obtained after a dog-sniff on front porch of defendant's home. The Florida Circuit Court granted the motion. State appealed.

Facts: In 2006, Detective William Pedraja of the Miami–Dade Police Department received an unverified tip that marijuana was being grown in the home of respondent Joelis Jardines. One month later, the Department and the Drug Enforcement Administration sent a joint surveillance team to Jardines' home. Detective Pedraja was part of that team. He watched the home for fifteen minutes and saw no vehicles in the driveway or activity around the home and could not see inside because the blinds were drawn. Detective Pedraja then approached Jardines' home accompanied by Detective Douglas Bartelt, a trained canine handler who had just arrived at the scene with his drug-sniffing dog. The dog was trained to detect the scent of marijuana, cocaine, heroin, and several other drugs, indicating the presence of any of these substances through behavioral changes recognizable by his handler.

Detective Bartelt had the dog on a 6-foot leash, owing in part to the dog's "wild" nature, and tendency to dart around erratically while searching. As the dog approached Jardines' front porch, he apparently sensed one of the odors he had been trained to detect and began energetically exploring the area for the strongest point source of that odor.

After sniffing the base of the front door, the dog sat, which is the trained behavior upon discovering the odor's strongest point. Detective Bartelt then pulled the dog away from the door and returned to his vehicle. He left the scene after informing Detective Pedraja that there had been a positive alert for narcotics.

On the basis of what he had learned at the home, Detective Pedraja applied for and received a warrant to search the residence. When the warrant was executed later that day, Jardines attempted to flee and was arrested; the search revealed marijuana plants, and he was charged with trafficking in cannabis.

The U.S. Supreme Court held: Law enforcement officers' use of drug-sniffing dog on front porch of home, to investigate an unverified tip that marijuana was being grown in the home, was a trespassory invasion of the curtilage that constituted a "search" for Fourth Amendment purposes. The conviction was reversed.

Key points in the decision:

- Law enforcement officers' use of drug-sniffing dog on front porch of home, to investigate an unverified tip that marijuana was being grown in the home, was a trespassory invasion of the curtilage that constituted a "search" for Fourth Amendment purposes, and officers did not have an implied license for the physical invasion of the curtilage.
- When the Government obtains information by physically intruding on persons, houses, papers, or effects, a "search" within the original meaning of the Fourth Amendment has undoubtedly occurred.
- Property rights are not the sole measure of Fourth Amendment violations, but though the "reasonable expectation of privacy" test may add to the baseline, it does not subtract anything from the Amendment's protections when the Government does engage in a physical intrusion of a constitutionally protected area.
- At the Fourth Amendment's very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.
- The "curtilage" of a home, which is the area immediately surrounding and associated with the home, is part of the home itself for Fourth Amendment purposes.
- Front porch of the home, which was location at which the law enforcement officials used a drug-sniffing dog to investigate an unverified tip that marijuana was being grown in the home, was part of the curtilage of the home and therefore was a constitutionally protected area, for Fourth Amendment purposes.
- Law enforcement officers' use of a drug-sniffing dog on the front porch of the home, to investigate an unverified tip that marijuana was being grown in the home, was a trespassory invasion of the cartilage, which constituted a "search" for Fourth Amendment purposes.
- While law enforcement officers need not shield their eyes when passing by a home on public thoroughfares, an officer's leave to gather information is sharply circumscribed when he steps off those thoroughfares and enters the Fourth Amendment's protected areas.
- The customary invitation of homeowners allowing visitors to approach a home and knock on the front door did not constitute an implied license by defendant homeowner for law enforcement officers to physically invade the curtilage of his home in order to conduct a search by using a drug-sniffing dog on the front porch of the home to investigate an unverified tip that marijuana was being grown in the home.

Selected Fourth Amendment Decisions Following an Illegal Arrest or Search

Weeks v. United States, 232 U.S. 383 (1914) [Adoption of the exclusionary rule for federal courts.]

Amos v. United States, 255 U.S. 313 (1921) [Excluded evidence in federal courts obtained as the result of an unconstitutional warrantless arrest and search.]

Byars v. United States, 273 U.S. 28 (1927) [Evidence excluded in federal courts because of an invalid warrant.]

United States v. Berkeness, 275 U.S. 149 (1927) [Evidence excluded in federal courts because of an insufficient affidavit to support the search warrant.]

Taylor v. United States, 286 U.S. 1 (1932) [Evidence excluded in federal courts because of a warrantless search.]

Elkins v. United States, 364 U.S. 206 (1960) [Evidence excluded in federal courts because of a search beyond scope of warrant.]

Silverman v. United States, 365 U.S. 505 (1961) [Evidence excluded in federal courts because of the warrantless use of an electronic device.]

Chapman v. United States, 365 U.S. 610 (1961) [Evidence excluded where police used false statement to gain entry to the home for a warrantless search.]

Mapp v. Ohio, 367 U.S. 643 (1961) [Exclusionary rule applied to state prosecutions for the first time to exclude a warrantless search.]

Stanford v. Texas, 379 U.S. 476 (1965) [Evidence excluded in state prosecutions because of defects in the warrant.]

Riggan v. Virginia, 384 U.S. 152 (1966) [Evidence excluded in state prosecutions because of an insufficient affidavit to support the warrant.]

Bumper v. North Carolina, 391 U.S. 543 (1968) [Evidence excluded in state prosecutions because the consent to search was obtained by false information.]

Chimel v. California, 395 U.S. 752 (1969) [Evidence excluded in state prosecutions because the search incident to arrest exceeded the scope of authority.]

Connally v. Georgia, 429 U.S. 245 (1977) [Evidence excluded in state prosecutions because the warrant was issued by a magistrate judge who was not neutral.]

Franks v. Delaware, 438 U.S. 154 (1978) [Results of search excluded because the affidavit that supported the warrant contained false statements.]

Welsh v. Wisconsin, 466 U.S. 740 (1984) [Evidence excluded because the warrantless entry into the home was without exigent circumstances.]

Thompson v. Louisiana, 469 U.S. 17 (1984) (*per curiam*) [Warrantless search.]

Arizona v. Hicks, 480 U.S. 321 (1987) [Evidence excluded because of an unreasonable search.]

Kyllo v. United States, 533 U.S. 27 (2001) [A thermal-imaging device aimed at a private home from a public street to detect relative amounts of heat within the home constituted a "search" within the meaning of the Fourth Amendment. Warrantless use of heat-imaging technology.]

Utah v. Strieff

CASE STUDY

136 S. Ct. 2056 (2016)

Question Before the U.S. Supreme Court

Is incriminating evidence admissible that was discoverable in the course of an illegal police stop?

[The Strieff case may be a sign that the present Supreme Court is weakening the 4th Amendment's protections against illegal searches.]

Facts of the Case

The Police in Salt Lake City got an anonymous tip that illegal drug activity was occurring at a certain house. An officer observed the house for several days and became suspicious at the number of people he observed entering and leaving the house. Edward Strieff exited the house and was walking toward a nearby convenience store. Strieff was stopped by the officer and asked for identification. A routine check by the officer revealed that Strieff had an outstanding warrant for failure to appear on a traffic citation. The officer arrested him and then searched him. The officer found a bag of methamphetamine and drug paraphernalia in Strieff's pockets.

The state supreme court ruled that the initial stop was not supported by reasonable, individual suspicion against Strieff and at time of the stop the officer did not know

of the pre-existing warrant. The state court ruled that the drug evidence was not admissible in court against Strieff because of the illegal stop.

U.S. Supreme Court's Decision: (Edited)

Justice Thomas delivered the opinion of the court: The evidence Officer Fackrell seized incident to Strieff's arrest is admissible based on an application of the attenuation factors from *Brown v. Illinois*, 422 U.S. 590. In this case, there was no flagrant police misconduct. Therefore, Officer Fackrell's discovery of a valid, pre-existing, and untainted arrest warrant attenuated the connection between the unconstitutional investigatory stop and the evidence seized incident to a lawful arrest.

(a) As the primary judicial remedy for deterring Fourth Amendment violations, the exclusionary rule encompasses both the "primary evidence obtained as a direct result of an illegal search or seizure" and, relevant here, "evidence later discovered and found to be derivative of an illegality." *Segura v. United States*, 468 U.S. 796, 804. But to ensure that those deterrence benefits are not outweighed by the rule's substantial social costs, there are several exceptions to the rule. One exception is the attenuation doctrine, which provides for admissibility when the connection between unconstitutional police conduct and the evidence is sufficiently remote or has been interrupted by some intervening circumstance. See *Hudson v. Michigan*, 547 U. S. 586, 593.

(b) As a threshold matter, the attenuation doctrine is not limited to the defendant's independent acts. The doctrine therefore applies here, where the intervening circumstance is the discovery of a valid, pre-existing, and untainted arrest warrant. Assuming, without deciding, that Officer Fackrell lacked reasonable suspicion to stop Strieff initially, the discovery of that arrest warrant attenuated the connection between the unlawful stop and the evidence seized from Strieff incident to his arrest.

1. Three factors articulated in *Brown v. Illinois*, 422 U. S. 590, lead to this conclusion. The first, "temporal proximity" between the initially unlawful stop and the search favors suppressing the evidence. Officer Fackrell discovered drug contraband on Strieff only minutes after the illegal stop. In contrast, the second factor, "the presence of intervening circumstances strongly favors the State." The existence of a valid warrant, predating the investigation and entirely unconnected with the stop, favors finding sufficient attenuation between the unlawful conduct and the discovery of evidence. That warrant authorized Officer Fackrell to arrest Strieff, and once the arrest was authorized, his search of Strieff incident to that arrest was undisputedly lawful. The third factor, "the purpose and flagrancy of the official misconduct," also strongly favors the State. Officer Fackrell was at most negligent, but his errors in judgment hardly rise to a purposeful or flagrant violation of Strieff's Fourth Amendment rights. After the unlawful stop, his conduct was lawful, and there is no indication that the stop was part of any systemic or recurrent police misconduct.
2. Strieff's counterarguments are unpersuasive. First, neither Officer Fackrell's purpose nor the flagrancy of the violation rises to a level of misconduct warranting suppression. Officer Fackrell's purpose was not to conduct a suspicionless fishing expedition but was to gather information about activity inside a house whose occupants were legitimately suspected of dealing drugs. Strieff conflates the standard for an illegal stop with the standard for flagrancy, which requires more than the mere absence of proper cause. Second, it is unlikely that the prevalence of outstanding warrants will lead to dragnet searches by police. Such misconduct would expose police to civil liability and, in any event, is already accounted for by Brown's "purpose and flagrancy" factor.

The Utah Supreme Court's decision that the evidence was inadmissible was reversed.

Associate Justice Sonia Sotomayor, joined by Justice Ruth Bader Ginsburg, wrote a stinging dissent: She stated: "The Court today holds that the discovery of a warrant for an unpaid parking ticket will forgive a police officer's violation of your Fourth Amendment rights," Sotomayor also stated: "Do not be soothed by the opinion's technical language: This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants—even if you are doing nothing wrong."

▶ Warrant Clause of the Fourth Amendment

As noted earlier in this chapter, the Fourth Amendment states that no warrant shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized. A search warrant must be issued by a neutral and detached magistrate. It is the magistrate, not the police, who makes the determination that **probable cause** exists. In determining whether probable cause exists to issue a warrant, magistrates base their decisions upon the facts, not opinions, contained in a sworn affidavit submitted by the officer requesting the warrant.

probable cause Exists where the facts and circumstances within the officers' knowledge and of which they have reasonably trustworthy information are sufficient to warrant a person of reasonable caution in the belief that an offense has been or is being committed.

Probable Cause

As noted earlier, the Fourth Amendment provides that "no warrant shall issue but upon probable cause." In addition, the U.S. Supreme Court has required probable cause before many authorized warrantless searches may be made. Generally, when we discuss probable cause it is in reference to a search or arrest warrant, but there are four basic situations when the probable cause is an issue: arrests with warrants, arrests without warrants, searches and seizures with a warrant, and searches and seizures without warrants.

What constitutes probable cause is difficult to explain. As the Pennsylvania Supreme Court noted in *Commonwealth v. One, 1958 Plymouth Sedan*, 211 A.2d 536 (Pa. Sup. Ct. 1965): "Probable cause is exceedingly difficult to explain and to apply to the facts and circumstances of a particular case." Justice Rutledge in *Brinegar v. United States*, 338 U.S. 160 (1949) stated that in "dealing with probable cause . . . as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act."

As noted by the Pennsylvania Supreme Court in *McCarthy v. De Armit*, 99 Pa. 63 (1920): "The substance of all the definitions of probable cause is a reasonable ground for belief of guilt." The U.S. Supreme Court stated in *Carroll v. United States*, 267 U.S. 132 (1925): "Probable cause exists where the facts and circumstances within the officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

The Pennsylvania Court also noted in *De Armit* that: "Many years ago this court stated that probable cause depends upon the honest and reasonable belief of the officer and must be judged by the totality of the circumstances existing at the time of the search and seizure." The Pennsylvania Court noted that probable cause has been said to exist where the facts and circumstances within the arresting officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed and that the person to be arrested has committed or is committing the offense.

GENERAL RULES INVOLVING PROBABLE CAUSE THAT APPLY TO BOTH SEARCHES AND ARRESTS

- The magistrate, not the police, makes the determination as to whether probable cause exists in warrant applications.
- Probable cause may be based on hearsay information.
- The phrase "person of reasonable caution" does not refer to a person with special legal training, it refers to the average person who under the circumstances would believe that the individual being arrested had committed the offense or that the items to be seized would be found in a particular place.

- Probable cause requires an "honest and reasonable belief."
- Proof beyond a reasonable doubt is not required to establish probable cause.
- Probable cause may be established by an officer's own knowledge of certain facts and circumstances, by information given by informants, or information plus corroboration.
- Probable cause cannot be based on the results of the search or arrest; for example, if the search of a person reveals the presence of drugs, that cannot be used to justify the search in the first place. Probable cause must exist before the search or the arrest.
- The experience of the officer may be considered as one factor in establishing probable cause, but cannot be the sole factor justifying the arrest or search.
- If the facts used to establish probable cause are provided by an informant, additional corroboration is required because of the inherent unreliability of informants.

Judge Learned Hand, speaking for the U.S. Court of Appeals, Second Circuit in *United States v. Heitner*, 149 F. 2d 105, 106 (2nd Cir. 1945), noted that it was well-settled that an arrest or search may be based on hearsay evidence; and, indeed, the probable cause necessary to support an arrest or search does not demand the same strictness of proof as the accused's guilt upon a trial.

Duties of the Magistrate in Issuing a Warrant

magistrate A judicial officer or judge with the authority to issue warrants.

The courts have insisted that magistrates must perform their duties in a neutral and detached function. A **magistrate** may not serve merely as a rubber stamp for the police. As the U.S. Supreme Court stated in *Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319 (1979): "A magistrate failing to manifest that neutrality and detachment demanded of a judicial officer when presented with a warrant application and who acts instead as an adjunct law enforcement officer cannot provide valid authorization for an otherwise unconstitutional search."

In *Franks v. Delaware*, 438 U.S. 154 (1978), the U.S. Supreme Court noted that the deference accorded to a magistrate's finding of probable cause does not preclude inquiry into the knowing or reckless falsity of the affidavit on which that determination was based. When a defendant alleges that the police made deliberate false statements or the police were reckless regarding the use of information used to establish probable cause, the trial court should hold a **Franks hearing**.

Franks hearing A hearing that looks at the issue of police misconduct in production of the affidavit used to support the finding of probable cause.

A *Franks hearing* looks at the issue of police misconduct in production of the affidavit used to support the finding of probable cause. As noted in *United States v. Stanert*, 762 F.2d 775 (1985), to void an otherwise valid search warrant because of false or misleading statements by the police, the defendant must make "a substantial showing that the officer intentionally or recklessly omitted facts required to prevent technically true statements in the affidavit from being misleading." **Note:** If the information used by the police in the affidavit was false, but the police acted in an honest and reasonable manner and did not know that the information was false, the inaccuracy will not void the warrant.

Execution of a Search Warrant

At common law, unless otherwise provided, searches were required to be conducted during daylight hours. As a general rule, most warrants provide guidelines as to when the search may be conducted. In some states, state statutes regulate the hours when a search warrant may be executed. The general rules regarding the execution of a search warrant include the following:

- Search warrants have only a limited life. Unlike an arrest warrant, generally a search warrant must be executed without unnecessary delay.
- Unnecessary damages to a house during execution of a search warrant may result in a Fourth Amendment claim under 42 U.S.C. sec. 1983 [*DiCesare v. Stuart*, 12 F.3d 973 (10th Cir. 1993)].
- Under federal law: "A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge . . . is satisfied there is probable cause to believe that grounds exist for the warrant and for its service at such time" (21 U.S.C. sec. 879). A nighttime search under this statute "requires no special showing . . . other than a showing that the contraband is likely to be on the property or person to be searched at that time" [*Gooding v. United States*, 416 U.S. 430 (1974)].
- The Federal Rule of Criminal Procedure 41(h) defines "daytime" as "the hours from 6:00 AM to 10:00 PM according to local time."
- Generally, officers executing a search warrant must announce their authority and purpose before entering a dwelling without consent (18 U.S.C. sec. 3109). There is, however, an exception to this "knock-purpose" rule when exigent circumstances exist [*Sabbath v. United States*, 391 U.S. 585 (1968)].
- Police may enter without knocking "when the officers reasonably believe the persons to be apprehended might destroy evidence during a delay in police entry" [*United States v. Tracy*, 835 F.2d 1267 (8th Cir. 1988)].
- After the search is completed, the officer in charge of the search is required to make a "return" to the court. This "return" should include a list of the property taken.
- The scope of the search and its duration must relate directly to the magistrate's previous determination of probable cause.
- The police may not use extraordinary force in conducting the search.
- A warrant that authorizes covert and surreptitious entry without any provisions for post-search notification to the residents is unconstitutional [*United States v. Freitas*, 800 F.2d 1451 (9th Cir. 1986)].

MAY A CIVILIAN PARTICIPATE IN THE EXECUTION OF A WARRANT?

Many cases have considered the analogous issue of whether a civilian may participate in the execution of a search warrant. In executing a search warrant, government officials must ensure that the search is conducted in a way that minimizes unwarranted intrusions into an individual's privacy. If the civilian participating in the execution of a search warrant was the victim of a theft who has been requested by police to point out property that has been stolen from the victim, the courts have unanimously held that the civilian's presence did not affect the propriety of the search [*United States v. Robertson*, 21 F.3d 1030 (10th Cir. 1994)]. A carjacking victim's presence in a defendant's residence was permitted to help identify items covered by warrant in P*eople v. Superior Court*, 598 P.2d 877, 878 (Cal. 1979).

Most courts have required that the civilian's role must be to aid the efforts of the police. In other words, civilians cannot be present simply to further their own goals. In *Wilson v. Layne*, 526 U.S. 603 (1999), the U.S. Supreme Court held that inviting media to "ride along" on the execution of a warrant violated the defendant's Fourth Amendment rights. The Court noted that the officer must be in need of assistance. Police cannot invite civilians to perform searches on a whim; there must be some reason why a law enforcement officer cannot conduct the search and some reason to believe that postponing the search until an officer is available might raise a safety risk. The civilians must be limited to doing what the police have authority to do.

The use of civilians in the execution of federal search warrants is governed by statute 18 U.S.C. sec. 3105 (A search warrant may in all cases be served by any of the officers mentioned in its direction or by an officer authorized by law to serve such warrant, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution).

CASE STUDY *Muehler v. Mena*

1544 U.S. 93 (U.S. Supreme Court, 2005)

Do the Police have a right to detain an individual in handcuffs during the search of a home and to question her about her immigration status?

Respondent Mena and others were detained in handcuffs during a search of the premises the respondents occupied. Mena sued the officers in civil court under 42 U.S.C. sec. 1983. The District Court found in her favor. The Ninth Circuit affirmed, holding that the use of handcuffs to detain Mena during the search violated her Fourth Amendment rights and that the officers' questioning about her immigration status during the detention constituted an independent Fourth Amendment violation. The U.S. Supreme Court reversed the case.

Decision by Chief Justice Rehnquist: Mena's detention in handcuffs for the length of the search did not violate the Fourth Amendment. That detention is consistent with *Michigan v. Summers*, 452 U.S. 692, (1981), in which the Court held that officers executing a search warrant for contraband have the authority "to detain the occupants of the premises while a proper search is conducted." The Court there noted that minimizing the risk of harm to officers is a substantial justification for detaining an occupant during a search and ruled that an officer's authority to detain incident to a search is categorical and does not depend on the "quantum of proof justifying detention or the extent of the intrusion to be imposed by the seizure."

Because a warrant existed to search the premises, and Mena was an occupant of the premises at the time of the search, her detention for the duration of the search was reasonable under *Summers*. Inherent in *Summers'* authorization to detain is the authority to use reasonable force to effectuate the detention. The use of force in the form of handcuffs to detain Mena was reasonable because the governmental interest in minimizing the risk of harm to both officers and occupants, at its maximum when a warrant authorizes a search for weapons and a wanted gang member resides on the premises, outweighs the margin intrusion. Moreover, the need to detain multiple occupants made the use of handcuffs all the more reasonable. Although the duration of a detention can affect the balance of interests, the two- to three-hour detention in handcuffs in this case does not outweigh the government's continuing safety interests.

The officers' questioning of Mena about her immigration status during her detention did not violate her Fourth Amendment rights. The Ninth Circuit's holding to the contrary appears premised on the assumption that the officers were required to have independent reasonable suspicion in order to so question Mena. However, this Court has "held repeatedly that mere police questioning does not constitute a seizure" [*Florida v. Bostick*, 501 U.S. 429, 434]. Because Mena's initial detention was lawful and the Ninth Circuit did not hold that the detention was prolonged by the questioning, there was no additional seizure within the meaning of the Fourth Amendment, and, therefore, no additional Fourth Amendment justification for inquiring about Mena's immigration status was required.

Eavesdropping

The first U.S. Supreme Court case on electronic eavesdropping was *Olmstead v. United States*, 277 U.S. 438 (1928). This case involved the interception of a telephone conversation. In *Olmstead*, the Court held that wiretapping was not covered by the Fourth Amendment. The *Olmstead* decision was overruled by the Court in *Berger v. New York*, 388 U.S. 41 (1967). In *Berger*, the Court held that conversations were protected by the Fourth Amendment.

Following are some general rules regarding electronic eavesdropping:

- Electronic surveillance by agents of the government is a search and seizure under the Fourth Amendment.
- In most cases, a warrant is needed for the surveillance.
- Intercepted conversations on a cordless or cell phone do not invade the reasonable expectation of privacy and no warrant is needed [*United States v. Mathis*, 96 F.3d. 1577 (11th Cir. 1996)].

- The Fourth Amendment does not apply to telephone company billing records.
- A pen register that records all the numbers dialed from a particular telephone is not a search within the meaning of the Fourth Amendment [*Smith v. Maryland*, 442 U.S. 735 (1979)].

▶ Exceptions to the Fourth Amendment

Searches Without a Warrant

The U.S. Supreme Court has stated that searches without a warrant are illegal, unless the search was conducted under one of the recognized exceptions to the warrant requirement. The general rule is that you must get a warrant unless you can't. When items obtained as the result of a search warrant are offered into evidence there is a presumption that the search was legal and the party objecting to the search has the burden of proving its illegality. When the search was conducted without a warrant, the presumption is that the search was illegal and the burden of establishing the legality of the search is on the party that is offering the evidence.

The two most frequent situations in which the police may search without a warrant are vehicle searches and where exigent circumstances prevent the police from having time to obtain a search warrant. **Note:** In both cases the police will need probable cause to search.

The courts have upheld the warrantless searches of vehicles on public roads or public property based on the concept that there is a lesser expectation of property in a vehicle than in a home and the mobility of the vehicle makes the logistics of obtaining a warrant difficult. The relaxing of the warrant requirement does not dispense with the need for probable cause. **Note:** if the vehicle is not in a public place (e.g., parked in a private garage), a warrant will probably be needed to search it. The general rules involved in a warrantless search of an automobile include:

- A traffic or vehicle code violation will usually provide sufficient basis to detain and search a vehicle.
- If the officer has probable cause to search a vehicle, generally the officer will have probable cause to search any container in the vehicle. However, if the probable cause is based on the possible presence of a large object or person, then the search of a small container probably would not be authorized under the concept that you cannot find an elephant in a matchbox.
- If there is an arrest of the occupant of a vehicle, the officer may search the vehicle.
- In most states during a routine traffic violation stop, the officer may order all occupants out of the vehicle.
- Generally, officers must have at least "reasonable suspicion" to stop a vehicle on a public road; however, officers may stop motorists and briefly detain vehicles on a public road for sobriety checkpoint roadblocks. **Note:** Officers do not have the discretion as to which car they will stop. They generally must stop all vehicles. If after the brief stop an officer has reasonable suspicion that the driver is under the influence, then the officer may develop this stop into a more detailed stop.
- If a driver is arrested and the vehicle is detained by the police, the police may conduct an inventory of the vehicle.

The basis for searches based on exigent circumstances is that for some reason it is impractical for the police to get a warrant. The factors that a court will consider in determining the existence of exigent circumstances include the following:

- It must be impractical to obtain a warrant.
- The emergency that justifies the warrantless search also acts to limit the scope of the search.
- All exigency searches need probable cause.

Plain View Doctrine

As discussed earlier, a search constitutes a government intrusion into an area where the individual has a reasonable expectation of privacy. If the item is in plain view, then there has not been a search within the meaning of the Fourth Amendment. This statement assumes that officers have a right to be where they were when the viewing took place; for example, after breaking into an apartment, the officer could not claim that the stolen television was in plain view.

An item is still considered to be in plain view even when common means of enhancing the vision are used (e.g., binocular or flashlight). In *Texas v. Brown*, 460 U.S. 730 (1983), the U.S. Supreme Court noted that it was "beyond dispute" that the action of a police officer in shining his flashlight to illuminate the interior of a car, without probable cause to search the car, was not a search of the car. In *United States v. Lee*, 274 U.S. 559 (1927), the officers' use of the beam of a flashlight, directed through the essentially open front of the respondent's barn, did not transform their observations into an unreasonable search within the meaning of the Fourth Amendment. On the other hand, if the police engage in a much more intense form of surveillance, especially from places not ordinarily used by the public, this may constitute a search under *Katz* (LaFave, 1987, 433–434). It would probably be considered a search if a high-powered telescope was used to determine what a person was reading in a high-rise apartment.

In *Arizona v. Hicks*, 480 U.S. 321 (1987), the police were lawfully on the premises and noticed new stereo equipment. An officer moved the equipment so that he could look at the serial number. It was later determined that the equipment had been stolen. The court held that the plain view doctrine did not apply and that the search was invalid. The court noted that until the officer moved the equipment, the serial number was not in plain view and that looking at the serial number was an illegal search because the officer had no probable cause to believe that the equipment had been stolen.

Open Fields

In the 1920s, Mr. Hester lived on his parents' farm in South Carolina. Hidden in the woods on the family farm was Hester's equipment for making illegal whiskey. The equipment was well hidden in the woods and away from the family house. Government agents entered the farm without a warrant and discovered the equipment. When Hester was prosecuted for his whiskey-making activities, he claimed that the evidence was taken as the result of an illegal search. Both parties agreed that the agents had trespassed on the property and that the equipment was well hidden in the woods. The U.S. Supreme Court held that **open fields** were not protected by the Fourth Amendment. Justice Oliver Holmes stated that the special protection accorded by the Fourth Amendment to the people in their "persons, houses, papers, and effects" is not extended to the open fields. The distinction between the latter and the house is as old as the common law [*Hester v. United States*, 265 U.S. 57 (1924)].

open fields The portion of a premises that is outside the curtilage of the home or business. "Open fields" are not protected by the Fourth Amendment.

WHERE EXIGENT CIRCUMSTANCES PERMITTED THE WARRANTLESS ENTRY INTO A HOME

Note: *Payton v. New York*, 445 U.S. 573, 586 (1980) held that to enter a home, police must have a warrant or exigent circumstances. In the following cases, the U.S. Supreme Court held that sufficient exigent circumstances existed.

Mincey v. Arizona, 437 U.S. 385 (1978): Undercover officer shot inside. Police could enter to rescue someone from imminent harm.

Michigan v. Tyler, 436 U.S. 499 (1978): Home on fire. Law enforcement officers could enter in an attempt to put out the fire.

Ker v. California, 374 U.S. 23 (1963): Destructible narcotics. Police could enter to prevent destruction of evidence.

*Warden v. Haden, 3*96 U.S. 1027 (1970): Fresh pursuit of a dangerous felon. Police chased a fleeing robber into the house.

United States v. Santana, 427 U.S. 38 (1976): Drug suspect. Arrest started in public place (front yard) and suspect ran back into her house.

Brigham City v. Stuart, 126 S. Ct. 1943 (2006): Police may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury.

In *Oliver v. United States*, 466 U.S. 170 (1984), acting on reports that marijuana was being raised on the farm of petitioner Oliver, two narcotics agents of the Kentucky State Police went to the farm to investigate. Arriving at the farm, they drove past the petitioner's house to a locked gate with a "No Trespassing" sign. A footpath led around one side of the gate. The agents walked around the gate and along the road for several hundred yards, passing a barn and a parked camper. At that point, someone standing in front of the camper shouted: "No hunting is allowed, come back up here." The officers shouted back that they were Kentucky State Police officers, but found no one when they returned to the camper. The officers resumed their investigation of the farm and found a field of marijuana over a mile from the petitioner's home. The Court noted that the field itself was highly secluded; bounded on all sides by woods, fences, and embankments; and could not be seen from any point of public access.

The Court concluded that this was not a field that invited casual intrusion. However, according to the Court, open fields do not provide the setting for those intimate activities that the amendment is intended to shelter from government interference or surveillance. There is no societal interest in protecting the privacy of those activities, such as the cultivation of crops that occur in open fields. Moreover, as a practical matter, these lands usually are accessible to the public and the police in ways that a home, an office, or commercial structure would not be. The Court noted that fences or "No Trespassing" signs, which effectively bar the public from viewing open fields in rural areas, do not prevent the field from being legally considered an open field.

Searches of Parolees and Persons on Probation

A usual condition of parole is that the individual submit to being searched at any time and with no requirements for probable cause. A similar clause is in most probation contracts. If such an agreement exists, then the parolee or person on probation may be searched at any time unless otherwise restricted by state case law or statute. If the agreement does not exist, then the normal rules of search and seizure apply.

Searches Incident to Lawful Arrest

If the police make a lawful arrest, probable cause is not needed to search the arrested individual. In addition, the officer may search any area within the immediate control of the arrestee. If the arrest is determined to be illegal or without authority, any evidence found on the body of the arrested person or discovered in the immediate vicinity of the individual is generally not admissible in evidence. General rules regarding searches incident to lawful arrest include:

- The search will be valid as an incident to arrest only if the search and arrest are carried out contemporaneously, although either may precede the other.
- If the arrest is proper, the officer may search without probable cause.

- Under most circumstances, if a person is arrested in a vehicle, the entire passenger compartment of the vehicle may be searched. There is a conflict among the states and the courts as to whether the trunk of the vehicle may also be searched.
- If a person is arrested within a home, generally only the immediate room that the individual was in when arrested may be searched. This is under the concept that the police may search the area under the immediate control of the arrestee. **Note:** As a general rule, the police may not search the entire home.
- The courts in a few states will not admit evidence discovered in a search pursuant to an arrest if it appears to the court that the arrest was a pretext in order to have authority to search the individual. Most courts, however, do not consider the motive of the officers arresting an individual as long as the officers had probable cause to arrest.

Consent

Persons may waive their rights under the Fourth Amendment and consent to a search. Even if officers have in their possession a search warrant, the officers should first ask permission to search. If permission is given, then the legality of the warrant is immaterial. If permission is denied, then the officers may search pursuant to the warrant. Unlike in-custody interrogation, an officer is under no obligation to advise the individual of the right to refuse the requested search or to seek an attorney.

The issue as to whether consent was voluntary depends on the surrounding circumstances. Undercover police officers may deceive an individual regarding their identity in order to obtain permission to enter the premises. The fact that the consent was given by mistake or as a direct result of police deception as to identity does not make the entry unlawful unless the deception was unreasonably fraudulent; for example, consent based on an officer's false statement that the officer has a search warrant is not a valid consent. However, the officer may advise individuals that if they refuse to consent, then the officer will obtain a warrant.

To be effective the consent must be given by someone who possesses common authority or apparent common authority to give permission; for example, a live-in girlfriend's consent to search an apartment was considered as effective. Once consent is given, it may be withdrawn. If withdrawn, the officers are under an obligation to stop the search. **Note:** Anything discovered prior to the withdrawal of consent is generally admissible in evidence and may also be used to provide probable cause to obtain a search warrant. The mere fact of a person's refusal to consent may not be considered in establishing probable cause.

Student Drug Testing

One of the leading cases on testing students for drugs is *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995). In that case, school officials, motivated by the discovery that athletes were leaders in the student drug culture and concerned that drug use increases the risk of sports-related injury, petitioned the school district (District) to adopt the Student Athlete Drug Policy (Policy), which authorized random urinalysis drug testing of students who participate in its athletics programs. Respondent Acton was denied participation in his school's football program when he and his parents refused to consent to the testing. They then filed this suit, seeking declaratory and injunctive relief on the grounds that the Policy violated the Fourth and Fourteenth Amendments and the Oregon Constitution. The U.S. Supreme Court held that the Policy was constitutional under the Fourth and Fourteenth Amendments.

Georgia v. Randolph

CASE STUDY

126 S. Ct. 1515, 164 L. Ed.2d 208 (U.S. Supreme Court, 2006)

Is consent given by one occupant to search a house valid where another physically present occupant objects to the search?

Respondent Scott Randolph and his wife, Janet, separated in late May 2001, when she left the marital residence in Americus, Georgia, and went to stay with her parents in Canada, taking their son and some belongings. In July, she returned to the Americus house with the child, though the record does not reveal whether her object was reconciliation or retrieval of remaining possessions.

On the morning of July 6, she complained to the police that after a domestic dispute her husband took their son away, and when officers reached the house she told them that her husband was a cocaine user whose habit had caused the family financial troubles. She mentioned the marital problems and said that she and their son had only recently returned after a stay of several weeks with her parents. Shortly after the police arrived, Scott Randolph returned and explained that he had removed the child to a neighbor's house out of concern that his wife might take the boy out of the country again; he denied cocaine use, and countered that it was in fact his wife who abused drugs and alcohol. Scott refused to give the police permission to search the house.

Janet Randolph was asked to consent to a search, which she readily gave. She led the officer upstairs to a bedroom that she identified as Scott's, where the officer noticed a section of a drinking straw with a powdery residue that was later determined to be cocaine.

Decision by Justice David Souter: To the Fourth Amendment rule ordinarily prohibiting the warrantless entry of a person's house as unreasonable *per se, Payton v. New York*, 445 U.S. 573 (1980); one "jealously and carefully drawn" exception recognizes the validity of searches with the voluntary consent of an individual possessing authority. That person might be the householder against whom evidence is sought [*Schneckloth v. Bustamonte*, 412 U.S. 218 (1973)], or a fellow occupant who shares common authority over property, when the suspect is absent and the exception for consent extends even to entries and searches with the permission of a co-occupant whom the police reasonably, but erroneously, believe to possess shared authority as an occupant. None of our co-occupant consent-to-search cases, however, has presented the further fact of a second occupant physically present and refusing permission to search, and later moving to suppress evidence so obtained.

This case invites a straightforward application of the rule that a physically present inhabitant's express refusal of consent to a police search is dispositive as to him, regardless of the consent of a fellow occupant. Scott Randolph's refusal is clear, and nothing in the record justifies the search on grounds independent of Janet Randolph's consent. The State does not argue that she gave any indication to the police of a need for protection inside the house that might have justified entry into the portion of the premises where the police found the powdery straw . . . Nor does the State claim that the entry and search should be upheld under the rubric of exigent circumstances, owing to some apprehension by the police officers that Scott Randolph would destroy evidence of drug use before any warrant could be obtained. [The judgment of the Supreme Court of Georgia, which held that the search was illegal, was affirmed.]

CONSENT TO SEARCH A COMPUTER

The *Trulock v. Freeh* case [275 F.3d 391 (4th Cir. 12/28/2001)] presented an interesting issue regarding a third party's consent to search a computer. Linda Conrad and Notra Trulock, an unmarried couple, lived together and shared the same computer. Everyone had password-protected files. Conrad gave government agents permission to search the computer. The agents took the computer and accessed the password-protected files of Trulock.

The Court stated that although Conrad had authority to consent to a general search of the computer, her authority did not extend to Trulock's password-protected files. Trulock's password-protected files are analogous to the locked footlocker inside the bedroom. By using a password, Trulock affirmatively intended to exclude

Conrad and others from his personal files. Moreover, because he concealed his password from Conrad, it cannot be said that Trulock assumed the risk that Conrad would permit others to search his files; thus, Trulock had a reasonable expectation of privacy in the password-protected computer files and Conrad's authority to consent to the search did not extend to them. The Court held that Trulock had alleged a violation of his Fourth Amendment rights.

The Court noted that the first factor to be considered in determining reasonableness was the nature of the privacy interest on which the search intruded. Here, the subjects of the Policy were children who had been committed to the temporary custody of the State as schoolmaster; in that capacity, the State may exercise a degree of supervision and control greater than it could exercise over free adults. The requirements that public-school children submit to physical examinations and be vaccinated indicate that they have a lesser privacy expectation with regard to medical examinations and procedures than the general population. Student athletes have even less of a legitimate privacy expectation, for an element of communal undress is inherent in athletic participation, and athletes are subject to preseason physical exams and rules regulating their conduct.

The privacy interests compromised by the process of obtaining urine samples under the Policy are negligible, since the conditions of collection are nearly identical to those typically encountered in public restrooms. In addition, the tests look only for standard drugs, not medical conditions, and the results are released to a limited group.

The nature and immediacy of the governmental concern at issue, and the efficacy of this means for meeting it, also favored a finding of reasonableness. The importance of deterring drug use by all this nation's schoolchildren cannot be doubted. Moreover, the Policy is directed more narrowly to drug use by athletes, where the risk of physical harm to the user and other players was high. The Fourth Amendment does not require that the "least intrusive" search be conducted, so the respondent's argument that the drug testing could be based on suspicion of drug use, if true, would not be fatal; and that alternative entails its own substantial difficulties.

Stop and Frisk

Prior to *Terry v. Ohio*, 392 U.S. 1 (1968), any restraint of an individual amounting to a seizure for the purposes of the Fourth Amendment was invalid unless justified by probable cause. The U.S. Supreme Court in *Terry* created a limited exception to this general rule: certain seizures are justifiable under the Fourth Amendment if there is articulable suspicion that a person has committed or is about to commit a crime. In that case, a stop and a frisk for weapons were found unexceptionable. *Adams v. Williams*, 407 U.S. 143 (1972), applied the same approach in the context of an informant's report that an unnamed individual in a nearby vehicle was carrying narcotics and a gun.

In *Terry*, the policeman who detained and "frisked" the petitioner had for thirty years been patrolling the area in downtown Cleveland where the incident occurred. His experience led him to watch the petitioner and a companion carefully, for a long period of time, as they individually and repeatedly looked into a store window and then conferred together. Suspecting that the two men might be "casing" the store for a "stick-up" and that they might have guns, the officer followed them as they walked away and joined a third man with whom they had earlier conferred. At this point, the officer approached the men and asked for their names. When they "mumbled something" in response, the officer grabbed the petitioner, spun him around to face the other two, and "patted down" his clothing. This frisk led to the discovery of a pistol and to the petitioner's subsequent weapons conviction.

The Court held that the "stop and frisk" in *Terry* was justified by the probability, not only that a crime was about to be committed, but also that the crime "would be likely to involve the use of weapons." The Court confined its holding to situations in which the officer believes that "the persons with whom he is dealing may be armed and presently dangerous" and "fears for his own or others' safety."

In *Pennsylvania v. Mimms*, 434 U.S. 106 (1977), while on routine patrol, two Philadelphia police officers observed respondent Harry Mimms driving an automobile with an expired license plate. The officers stopped the vehicle for the purpose of issuing a traffic summons. One of the officers approached and asked the respondent to step out of the car and produce his owner's card and operator's license. The respondent got out of the car, whereupon the officer noticed a large bulge under the respondent's sports jacket. Fearing that the bulge might be a weapon, the officer frisked the respondent and discovered in his waistband a .38-caliber revolver loaded with five rounds of ammunition. The other occupant of the car was carrying a .32-caliber revolver. The respondent was immediately arrested and subsequently indicted for carrying a concealed deadly weapon and for unlawfully carrying a firearm without a license. The Court held that once a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle without violating the Fourth Amendment's proscription of unreasonable searches and seizures.

TERRY STOP

The **Terry stop** must be a temporary stop and not an arrest. It must be a reasonable suspicion, based on articulable facts, that criminal activity is involved. After the stop, if the officer has reason to fear that there is a danger involved, the officer may pat down the clothes of the person being stopped. The pat down is only for the safety of the officer and for detecting any weapons.

Terry stop A temporary stop with reasonable suspicion based on articulable facts that criminal activity is involved.

▶ Arrests

When a police officer has contact with a citizen, the contact may be classified as a consensual encounter, a detention, or an arrest. An arrest (seizure of a person) is the taking of a person into custody so that the person may be held to answer for the commission of a crime. The primary difference between a detention and an arrest is that to be classified as a detention, the stop must be relatively brief. If the detention continues for more than a brief period, it will develop into an arrest.

An arrest requires four essential elements:

- **Intention to arrest.** *There* must be intent to arrest the person. The police cannot accidentally arrest an individual. Because this is a subjective requirement, it is often difficult to establish in court unless the police officer's actions clearly indicate that the officer intended to arrest the individual.
- **Authority to arrest.** The individual making the arrest must have the authority to arrest. Authority to arrest distinguishes an arrest from a false imprisonment or kidnapping.
- **Seizure and detention.** There must be a seizure and detention of the person. The seizure and detention may be actual, such as handcuffing a person, or constructive when the individual submits without the use of force. Mere words do not constitute an arrest. Merely telling a person "you are under arrest" is not an arrest unless it is accompanied by an actual seizure or by submission of the individual to the officer's will and control.
- **An understanding by arrestees that they are being arrested.** Persons detained must understand that they are being arrested. Normally, the understanding is conveyed through

words, such as "you are under arrest." Sometimes the understanding is conveyed by actions of the police, such as handcuffing of an individual. If the accused persons are too drunk, drugged, insane, or unconscious to understand that they are being arrested, then the understanding element is excused. The test used by the courts in these situations is: Would individuals with normal facilities understand that they are being arrested?

Arrests are grouped into *arrests with a warrant* and *arrests without a warrant*. The courts have demonstrated a bias toward arrests with warrants. An arrest with a warrant is presumed to be legal unless the contrary is established. An arrest without a warrant is presumed illegal until the contrary is established.

The seizure and detention element require that there be a submission by the person being arrested. The submission, however, may be implied by the individual merely going with the police officer. The detention may be a "constructive restraint" under some circumstances; for example, in one case the accused was seriously injured in an automobile accident allegedly caused by his driving under the influence of alcohol. The police officer at the scene informed the accused that he was under arrest. The defendant lapsed into unconsciousness. He was taken by ambulance and given a blood test while unconscious. The officer then proceeded to assist other injured persons and did not accompany the accused to the hospital. Several days thereafter, the accused was released from the hospital with a notice to appear in court. The accused contended that he was never arrested and therefore pursuant to state law there was no authority to take a blood sample from him without his permission or a court order.

There was a state statute that permitted the taking of a blood sample from an individual who is arrested for driving under the influence. The appeals court held that the officer had constructively arrested the individual. The court stated that: "We deem it wholly unreasonable under the circumstances . . . to require the officer to closely attend that person to the exclusion of the officer's duty to obtain aid for the accident victims, and to prevent further traffic pileups and injuries" [*People v. Logue*, 35 Ca. 1 (1973)].

The authority to arrest is generally determined by state statute. Private persons may under certain circumstances have the authority to arrest an individual (often referred to as *citizen's arrest*). The validity of an arrest is determined by the law of the jurisdiction where the arrest was made. Because an arrest is also a seizure of the person, it must comply with Fourth Amendment standards to be legal. The Fourth Amendment requirements may not be overlooked by classifying the arrest as only a "detention."

In most states, an officer may arrest a person without a warrant whenever the officer has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has been committed by the defendant or anyone. A felony need not have been committed within the presence of the officer. An officer may arrest a person without a warrant if the officer has probable cause to believe that the person has committed a misdemeanor in the officer's presence. Absent of statutory authority, an officer may not arrest without a warrant for a misdemeanor not committed in the officer's presence.

Most states give officers authority to arrest for traffic offenses that occurred out of the presence of the officer. Suppose an individual driving under the influence has an accident. When the officer arrives on the scene, the crime has already been committed. In some states this may be a misdemeanor. Most states' traffic codes provide authority to arrest in such cases. Other common exceptions include misdemeanors committed on school property and crimes committed by juveniles.

For an arrest warrant to be valid, it must be issued by a magistrate (judicial officer) based on facts presented to the officer establishing the existence of probable cause. The magistrate must be "neutral and detached." In a few states, the warrant may be issued by a court clerk if empowered to do so by state law. Because an arrest is the seizure of a person, most of the rules discussed earlier in this chapter regarding a search warrant are applicable to arrest warrants.

General rules regarding an arrest warrant are as follows:

- An arrest warrant must describe the offense charged and contain the name of the accused, or if name is unknown, a description of the accused.
- The warrant must indicate the time of issuance, the city or county and state where it is issued, and the duty of the arresting officer to bring the arrested person before the magistrate.
- Arrest warrants, unlike search warrants, are valid until they are recalled by the court.
- When making an arrest pursuant to a warrant, the officer need not have the warrant in his or her presence, as long as the officer is aware of its contents.
- If the officer has the warrant, the officer must display it if requested.
- If the officer does not have the warrant, the officer must explain to the defendant the reason for the arrest.
- Suspects may be arrested in a public place at any time providing there is authority to arrest.
- Traditionally, a person's home is that person's castle. Accordingly, absent exigent circumstances, an arrest warrant is necessary in order to arrest someone inside the individual's home. **Note:** A home or dwelling includes any place the suspect resides (e.g., a tent, boat, mobile home, van, or hotel room).
- To arrest someone in a third person's home—absent exigent circumstances, consent, or other exceptions—a search warrant is needed (to search for the suspect). Exigent circumstances are emergency situations requiring immediate action to prevent imminent danger to life or serious damage to property, or to prevent the escape of a felon.
- Rules regarding consent to enter the home to arrest a suspect are similar to the rules regarding consent to search.
- Federal arrest warrants are valid in all states.
- A state arrest warrant is valid only within the jurisdiction of the state. There is a "hot pursuit" exception whereby officers may cross state lines to arrest an individual if in "hot pursuit."

Excerpts from *United States v. Mark B. Harris*

CASE STUDY

1993 D.C. 178, 629 A.2d 481 (D.C. Cir. 1993)

Warrantless, nonconsensual searches or seizures within the home are presumptively unreasonable under the Fourth Amendment [*Payton v. New York*, 445 U.S. 573 (1980)] . . . A warrantless, nonconsensual entry into the home to make an arrest may be justified, however, where there are "exigent circumstances."

The U.S. Supreme Court has not attempted a comprehensive definition of the exigent circumstances exception to the warrant requirement. The leading cases in which the Court has upheld warrantless, nonconsensual entries into the home to make an arrest remain *United States v. Santana*, 427 U.S. 38 (1976), and *Warden v. Hayden*, 387 U.S. 294 (1967). In both of these cases, police were in "hot pursuit" of suspects whom they had probable cause to arrest. But the Court has intimated that exigent circumstances may exist even where police are not in hot pursuit of the suspect . . .

In concluding that exigent circumstances justified a warrantless entry to apprehend an armed robbery suspect approximately four hours after the crime, the U.S. Court of Appeals for the District of Columbia developed seven different factors. As later summarized in *United States v. Lindsay*, 165 U.S. App. D.C. 105 (1974), the factors are:

- that a grave offense is involved, particularly a crime of violence
- the suspect is reasonably believed to be armed
- a clear showing of probable cause
- a strong reason to believe that the suspect is in the dwelling
- the likelihood of escape if not swiftly apprehended
- a peaceful entry as opposed to a "breaking"
- the time of entry (night or day)

EXCERPTS FROM A SUPREME COURT DECISION

Kaupp v. Texas, 538 U.S. 626 (2003)

Although certain seizures may be justified on something less than probable cause [*Terry v. Ohio*, 392 U.S. 1 (1968)], we have never sustained against Fourth Amendment challenge the involuntary removal of a suspect from his home to a police station and his detention there for investigative purposes . . . absent probable cause or judicial authorization. *Hayes v. Florida*, 470 U.S. 811 (1985) cf. *Payton v. New York*, 445 U.S. 573 (1980) . . . The police may not seek to verify mere suspicions by means that approach the conditions of arrest. . . . The police can stop and briefly detain a person for investigative purposes if the officer has a reasonable suspicion supported by articulable facts that criminal activity may be afoot, even if the officer lacks probable cause. Such involuntary transport to a police station for questioning is "sufficiently like arrest to invoke the traditional rule that arrests may constitutionally be made only on probable cause."

▶ Exclusionary Rule

exclusionary rule A rule of evidence that excludes evidence from being admitted in a criminal trial on the question of the defendant's guilt or innocence that was obtained in violation of the defendant's constitutional rights.

The **exclusionary rule** has been applied in federal criminal cases since 1914, when the rule was first adopted to protect the rights secured by the Fourth Amendment [*Weeks v. United States*, 232 U.S. 383 (1914)]. Since, 1961, when the U.S. Supreme Court decided *Mapp v. Ohio*, 367 U.S. 643 (1961), the states have been compelled to exclude from the State's case-in-chief evidence obtained in violation of the Fourth Amendment. The exclusionary rule is a judicially created remedy that originated as a means to protect the Fourth Amendment right of citizens to be free from unreasonable searches and seizures.

The exclusionary rule was not designed to "make whole" a citizen who has been subjected to an unconstitutional search or seizure. Rather, the aim of the rule is to deter police misconduct. The deterrent purpose of the exclusionary rule necessarily assumes that the police have engaged in willful, or at the very least, negligent, conduct, which has deprived the defendant of some right. By refusing to admit evidence gained as a result of such conduct, the courts hope to instill in those particular investigating officers, or in their future counterparts, a greater degree of care toward the rights of an accused.

General rules regarding the exclusionary rule:

- There are at least five exceptions to the exclusionary rule: (1) good-faith exception, (2) purged taint exception, (3) independent source exception, (4) inevitable discovery exception, and (5) impeachment of the defendant at trial.
- The U.S. Supreme Court has been more reluctant to apply the exclusionary rule to Miranda violations involving confessions and admissions, than to search and seizure issues.
- The exclusionary rule does not apply to noncriminal trial proceedings.
- The U.S. Supreme Court, holding that the exclusionary rule does not apply to grand jury proceedings, implied that the Fourth Amendment exclusionary rule should apply only in those circumstances in which its remedial objective of deterrence will be most efficaciously served.
- An individual must have a legal standing to object before the exclusionary rule may be applied; for example, the violation of the Fourth Amendment rights of one individual cannot be used to exclude information used to find evidence against a co-defendant.
- The exclusionary rule does not apply to deportation hearings.

Hudson v. Michigan

CASE STUDY

No. 04-1360 (U.S. Supreme Court, 2006) 2006 WL 1640577

Does the exclusionary rule require the suppression of evidence when the police violate the "Knock and Announce" Rule?

Detroit police executed a search warrant for narcotics and weapons and entered Hudson's home in violation of the Fourth Amendment's "knock-and-announce" rule. The trial court granted Hudson's motion to suppress the evidence seized, but the Michigan Court of Appeals reversed and Hudson was convicted of drug possession.

Justice Anthony Scalia delivered the opinion of the U.S. Supreme Court, concluding that violation of the "knock-and-announce" rule does not require suppression of evidence found in a search.

Majority Opinion: This case is before us only because of the method of entry into the house. When the police arrived to execute the warrant, they announced their presence, but waited only a short time—perhaps "three to five seconds"—before turning the knob of the unlocked front door and entering Hudson's home. Hudson moved to suppress all the inculpatory evidence, arguing that the premature entry violated his Fourth Amendment rights. The common-law principle that law enforcement officers must announce their presence and provide residents an opportunity to open the door is an ancient one.

This Court has rejected "indiscriminate application" of the exclusionary rule, *United States v. Leon*, 468 U.S. 897, holding it applicable only where its deterrence benefits outweigh its substantial social costs. . . . Exclusion may not be premised on the mere fact that a constitutional violation was a "but-for" cause of obtaining the evidence. The illegal entry here was not the but-for cause, but even if it were, but-for causation can be too attenuated to justify exclusion. Attenuation can occur not only when the causal connection is remote, but also when suppression would not serve the interest protected by the constitutional guarantee violated.

The interests protected by the knock-and-announce rule include human life and limb (because an unannounced entry may provoke violence from a surprised resident), property (because citizens presumably would open the door upon an announcement, whereas a forcible entry may destroy it), and privacy and dignity of the sort that can be offended by a sudden entrance. But the rule has never protected one's interest in preventing the government from seeing or taking evidence described in a warrant. Since the interests violated here have nothing to do with the seizure of the evidence, the exclusionary rule is inapplicable. . . .

The social costs to be weighed against deterrence are considerable here. In addition to the grave adverse consequence that excluding relevant incriminating evidence always entails—the risk of releasing dangerous criminals—imposing such a massive remedy would generate a constant flood of alleged failures to observe the rule, and claims that any asserted justification for a no-knock entry had inadequate support. Another consequence would be police officers refraining from timely entry after knocking and announcing, producing preventable violence against the officers in some cases, and the destruction of evidence in others. Next to these social costs are the deterrence benefits. The value of deterrence depends on the strength of the incentive to commit the forbidden act. That incentive is minimal here, where ignoring knock-and-announce can realistically be expected to achieve nothing but the prevention of evidence destruction and avoidance of life-threatening resistance, dangers which suspend the requirement when there is "reasonable suspicion" that they exist (*Richards v. Wisconsin*, 520 U.S. 385, 394). Massive deterrence is hardly necessary. Contrary to Hudson's argument that without suppression there will be no deterrence, many forms of police misconduct are deterred by civil-rights suits, and by the consequences of increasing professionalism of police forces, including a new emphasis on internal police discipline.

Note: Do not read too much into this decision. The U.S. Supreme Court did not eliminate the knock-and-announce rule as stated by many scholars. All the Court did was to hold that this was not a ground to exclude the evidence. It is still a violation of the Fourth Amendment not to comply with the rule where compliance is not excused by exigent circumstances. As Devallis Rutledge commented: "The exclusion is gone, but potential liability remains" (Rutledge, 2006, 96).

"Fruit of the Poisonous Tree" Doctrine

The "fruit of the poisonous tree" doctrine is used by the courts to suppress evidence that was discovered as the result of an illegal search or discovered because information obtained during an illegal search directed the police to the location or existence of other evidence.

The U.S. Supreme Court has held that not all evidence is "fruit of the poisonous tree" simply "because it would not have come to light but for the illegal actions of the police" [*Wong Sun v. United States*, 83 S. Ct. 407 (1963)]. The Court stated that the "more apt question" is "whether, granting establishment of the primary illegality, the evidence . . . has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint."

The Court noted in *Murray v. United States*, 108 S. Ct. 2529 (1988) that the exclusionary rule prohibits introduction into evidence of tangible materials seized during an unlawful search and of testimony concerning knowledge acquired during an unlawful search. Beyond that, the exclusionary rule also prohibits the introduction of derivative evidence, both tangible and testimonial, that is the product of the primary evidence, or that is otherwise acquired as an indirect result of the unlawful search, up to the point at which the connection with the unlawful search becomes "so attenuated as to dissipate."

CASE STUDY *Collins v. Virginia*

No. 16–1027 (U.S. Supreme Court, May 29, 2018)

During the investigation of two traffic incidents involving an orange and black motorcycle with an extended frame, a police officer reached the conclusion that the motorcycle was stolen and in the possession of Collins. The officer discovered a photograph on Collins' Facebook of an orange and black motorcycle parked in the driveway of a home under a tarp. The officer went to street in front of the home. From there, the officer could see what appeared to be the motorcycle parked under a tarp.

The officer, without a search warrant, walked up the driveway, removed the tarp, confirmed that the motorcycle was stolen by running the license plate and vehicle identification numbers. At the trial, Collins' moved to suppress the evidence alleging the officer conducted an unlawful search when he trespassed on the house's curtilage to conduct a search. Collins was convicted of receiving stolen property. The conviction was affirmed by Virginia Court of Appeals and the state supreme court. The Virginia Supreme Court held that the warrantless search was justified under the Fourth Amendment's automobile exception.

U.S. Supreme Court held: The automobile exception does not permit the warrantless entry of a home or its curtilage to search a vehicle therein. The Court noted that this case involves the intersection of two components of the Court's Fourth Amendment jurisprudence: the automobile exception to the warrant requirement and the protection extended to the curtilage of a home.

The Court noted that the automobile exception's justifications—that is, the "ready mobility of the automobile" and "the pervasive regulation of vehicles capable of traveling on the public applied only to automobiles and not to houses." That officers may search an automobile without a warrant so long as they have probable cause. However, the curtilage (the area immediately surrounding and associated with the home) is considered part of the home itself for Fourth Amendment purposes. When an officer physically intrudes on the curtilage to gather evidence, a Fourth Amendment search has occurred and is presumptively unreasonable absent a warrant. The Court held that the part of the driveway where Collins' motorcycle was parked and subsequently searched was part of the curtilage. When the officer searched the motorcycle, it was parked inside a partially enclosed top portion of the driveway that abuts the house. Just like the front porch, side garden, or area "outside the front window," that enclosure constituted an area adjacent to the home and "to which the activity of home life extends."

The Court concluded that because the scope of the automobile exception extends no further than the automobile itself, it did not justify the officer's invasion of the curtilage.

The Court reversed the conviction.

▶ Civil Liability

Every person who, under the color of any statute, ordinance, regulation, custom, or usage of any State . . . subjects or causes to be subjected any citizen . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law. . . . **42 USC 1983**

A police officer, department, or city may be subject to civil litigation in one of three situations:

- A civil action based on an intentional tort (battery, false arrest, infliction of mental distress, conversion of property).
- A civil action based on negligence (negligent driving, negligent discharge of a firearm, negligence in the use of lawful force to effect an arrest).
- A civil action based on an infringement of a constitutional right (illegal search, denial of right to counsel, illegally preventing a person from exercising a constitutional right) (*Police supervision: A manual for police supervisors*, 1985).

The majority of civil litigation against police agencies and individual officers is based on violations of constitutional rights that are filed pursuant to 42, U.S.C., sec. 1983. Many states have similar statutes. Section, 1983 became effective in 1871. For the first ninety years, there was relatively little action under Section, 1983. It appears that there were only six reported cases involving law enforcement agencies and persons during its first ninety years.

In 1961, the U.S. Supreme Court in *Monroe v. Pape*, 365 U.S. 167 (1961) held that when a police officer is alleged to have acted improperly in conducting an illegal search, the officer can be sued in federal court by alleging that the officer deprived the injured party of that individual's constitutional rights. After the *Pape* case was published, the number of court filings increased significantly. It was estimated that in the calendar year 2005, over 7,500 court actions were filed alleging civil liability under Section, 1983.

While Section, 1983 of the U.S. Code creates civil liability for public officials, including police officers, who violate a person's constitutional rights while acting "under color of law," the U.S. Supreme Court has recognized two kinds of immunity that shield some official actions from liability that might otherwise arise under Section 1983. The most common type of immunity is qualified immunity, which protects officials from liability when reasonable officials in the defendant's position would not have understood their actions to violate a person's constitutional rights [*Harlow v. Fitzgerald*, 457 U.S. 800 (1982)].

More limited in application, but certainly broader in protection, is absolute immunity, which the U.S. Supreme Court has held applies to the performance of certain functions when those functions are integral to the functioning of our adversarial judicial system [*Briscoe v. LaHue*, 460 U.S. 325 (1983)]. The Court has carefully restricted absolute immunity because it protects an official from liability even when the official acted with knowledge of the constitutional violation. Testimony at adversarial judicial proceedings is the most historically grounded of these functions which merit absolute immunity. In restricting absolute immunity, the Court restricted it to only those situations that advance the furtherance of our adversarial legal system.

Those functions more "intimately associated with the judicial phase of the criminal process" are more likely to merit careful consideration for absolute immunity. In contrast, those functions more "investigative" in nature—searching for "clues and corroboration"—are more removed from the judicial process and merit only qualified immunity.

CASE STUDY *Wilson v. State*

Department of Corrections, 127 P.3d 826 (Alaska, 2006)

Merle Wilson sued the State of Alaska when he was released from a correctional institution because the State did not return him to the "place of arrest." Alaska Statute 33.30.081(b) and 22 Alaska Administrative Code (AAC) 05.585(a) required the State of Alaska to transport a released prisoner to the "place of arrest." Merle Wilson argued that, because he was arrested at his home, the statute and regulation required the state to return him to his home on Columbia Cove, 3.5 miles from Tenakee Springs, when it released him from prison in May 2002. There are no roads to Columbia Cove; it is accessible only by boat, footpath from Tenakee Springs, or floatplane. A chartered flight to Columbia Cove from Juneau would have cost about $350. The state had denied his request, agreeing to take him to Tenakee Springs on a regularly scheduled flight, at a cost of about $79.

Court Decision: We conclude that the state's policy of transporting released prisoners to the community nearest the exact location of their arrest is, under the particular circumstances of this case, a reasonable interpretation of the statute and regulation. Because it was not unreasonable for the state to conclude that Columbia Cove was within the community of Tenakee Springs, the statute and regulation were satisfied when the state offered to transport Wilson to the community of Tenakee Springs. We consequently affirm the superior court order denying Wilson's appeal.

Key issues involving civil liability of the police, as extracted from court decisions, include:

- Section, 1983 is not itself a source of substantive rights, but merely provides a method for vindicating federal rights elsewhere conferred [*Albright v. Oliver* (1994) 510 U.S. 266].
- All witnesses—police officers as well as lay witnesses—are absolutely immune from civil liability based on their testimony in judicial proceedings [*Briscoe v. LaHue*, 663 F.2d 713 (7th Cir. 1981)].
- A police officer who makes an arrest based on a facially valid arrest warrant will in most cases be entitled to qualified immunity [*Hamill v. Wright*, 870 F.2d 1032 (5th Cir. 1989)].
- In *Griffin v. Maryland*, 378 U.S. 130 (1964), the U.S. Supreme Court found state action when an amusement park security guard who had been deputized as a sheriff of the county, wore a badge, and identified himself as a deputy sheriff, arrested black park patrons who refused to leave the park in response to his order. The Court there declared, "If an individual is possessed of state authority and purports to act under that authority, his action is state action. It is irrelevant that he might have taken the same action had he acted in a purely private capacity or that the particular action which he took was not authorized by state law."
- The Constitution and laws of the United States do not guarantee an accused the right to Miranda warnings, they only guarantee the accused the right to be free from self-incrimination. The Miranda decision does not even suggest that police officers who fail to advise arrested persons of their rights are subject to civil liability; it requires, at most, only that any confession made in the absence of such advice of rights be excluded from evidence. "No rational argument can be made in support of the notion that the failure to give Miranda warnings subjects a police officer to liability under the Civil Rights Act" [*Bennett v. Passic*, 545 F.2d 1260 (10th Cir. 1976)].
- A police officer is immune from a Section, 1983 civil action for his testimony, even if false, before the grand jury [*Kelly v. Curtis*, 21 F.3d 1544, (11th Cir. 1994)]. According

to the Court, the reason is that "Police officers testify in scores of cases every year, and defendants often will transform resentment at being convicted into allegations of perjury by the state's official witnesses." If a police officer witness "could be made to answer in court each time a disgruntled defendant charged him with wrongdoing, his energy and attention would be diverted from the pressing duty of enforcing the criminal law."

- Police officers are not entitled to qualified immunity in a Section, 1983claim based on an officer's false statements in an affidavit submitted to a magistrate judge for arrest warrant at warrant hearing [*United States v. Martin*, 615 F.2d 318 (5th Cir. 1980)].
- The law prohibits a police officer from knowingly making false statements in an arrest affidavit about the probable cause for an arrest to detain a citizen. The qualified immunity will not shield an officer from liability for such false statements, if such false statements were necessary to the probable cause [*Jones v. Cannon*, 174 F.3d 1271 (11th Cir. 1999)].
- An arrest without probable cause is unconstitutional, but officers who make such an arrest are entitled to qualified immunity if there was arguable probable cause for the arrest [*Lindsey v. Storey*, 936 F.2d 554, 562 (11th Cir. 1991)].
- Claims of excessive force by police officers in effecting an arrest are justifiable under Section 1983 because they implicate the Fourth Amendment's guarantee to "the people" of the right "to be secure in their persons . . . against unreasonable searches and seizures." In an excessive force case the "reasonableness" inquiry is an objective one. The question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. An officer's evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer's good intentions make an objectively unreasonable use of force constitutional [*Hernandez v. City of Pomona*, 138 Cal. App. 4th 506 (2006)].

Qualified Immunity for Officers Executing Search Warrants

Qualified immunity "protects government officials 'from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. Where the alleged Fourth Amendment violation involves a search or seizure pursuant to a warrant, the fact that a neutral magistrate has issued a warrant is the clearest indication that the officers acted in an objectively reasonable manner, or in "objective good faith."

In determining whether qualified immunity protects the officer from civil liability, the inquiry does not end with the determination of objective reasonableness. The Supreme Court has recognized an exception allowing suit when it is obvious that no reasonably competent officer would have concluded that a warrant should issue. The "shield of immunity" otherwise conferred by the warrant will be lost, for example, where the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable. The threshold for establishing this exception is high. In the ordinary case, an officer cannot be expected to question the magistrate's probable-cause determination because it is the magistrate's responsibility to determine whether the officer's allegations establish probable cause and, if so, to issue a warrant comporting in form with the requirements of the Fourth Amendment.

CASE STUDY *Messerschmidt v. Millender*

132 S. Ct. 1235 (2012)

Occupants of residence who were subjected to night-time search and seizure brought § 1983 action against deputy sheriffs and county sheriff's department. The Supreme Court, Chief Justice Roberts, held that it was not entirely unreasonable for officers, in executing a warranted search, to believe they had probable cause, as authorized by warrant, to search for any and all firearms and firearm-related materials, and it was not entirely unreasonable for officers to believe that they had probable cause to search for gang paraphernalia.

Key Points in Decision:

- Doctrine of qualified immunity protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which reasonable person would have known.
- Qualified immunity gives government officials breathing room to make reasonable but mistaken judgments, and protects all but the plainly incompetent or those who knowingly violate the law.
- Whether official protected by qualified immunity may be held personally liable for allegedly unlawful official action generally turns on objective legal reasonableness of the action, assessed in light of legal rules which were clearly established at time it was taken.
- Fact that neutral magistrate has issued search warrant is clearest indication that officers acted in objectively reasonable manner in executing that warrant, so as to be protected by qualified immunity from liability under civil rights law for Fourth Amendment violation.
- It was not entirely unreasonable for officers, in executing a warranted search of residence thought to be inhabited by known gang member who had recently discharged five shots from black sawed-off shotgun at his estranged girlfriend after she "call[ed] the cops" on him, to believe they had probable cause, as authorized by warrant, to search for any and all firearms and firearm-related materials and not just for black sawed-off shotgun involved in shooting, such that officers could rely on warrant and were protected by qualified immunity from liability under § 1983 for allegedly violating homeowner's Fourth Amendment rights by searching for additional guns; given boyfriend's possession of one illegal gun, his gang membership, his willingness to use gun in attempt to kill his girlfriend, and his concern about police, reasonable officer could conclude that there would be additional illegal guns among others which he owned.

CASE STUDY *Kisela v. Hughes*, 584 U.S. _____ (2018)

Issue: Did the officer have qualified immunity?

Andrew Kisela, while serving as a police officer in Tucson, Arizona, shot Amy Hughes. Kisela and two other officers had arrived on the scene after receiving a police radio call that a woman was acting with erratic behavior and was holding a large kitchen knife. Hughes while holding the knife had taken steps toward another woman standing nearby and had refused at least two commands to drop the knife. Kisela then shot her. All three officers had drawn their guns. All three of the officers later said that at the time of the shooting they subjectively believed Hughes to be a threat to Chadwick. After the shooting, the officers discovered that Chadwick and Hughes were roommates, that Hughes had a history of mental illness, and that Hughes had been upset with Chadwick over a $20 debt.

Hughes sued Kisela under Rev. Stat. §1979, 42 U.S.C. § 1983, alleging that Kisela had used excessive force in violation of the Fourth Amendment. The District Court granted summary judgment to Kisela, but the Court of Appeals for the Ninth Circuit reversed. 862 F.3d 775 (2016). The Court of Appeals first held that the record, viewed in the light most favorable to Hughes, was sufficient to demonstrate that Kisela violated the Fourth Amendment. The court next held that the violation was clearly established because, in its view, the constitutional violation was obvious.

In a per curiam decision (a per curiam decision is a ruling issued by an appellate court in which the decision rendered is made by the court acting collectively, in contrast to regular opinions) the Court discussed whether the officer had qualified immunity. The Supreme Court noted that Kisela says he shot Hughes because, although the officers themselves were in no apparent danger, he believed she was a threat to Chadwick. Kisela had mere seconds to assess the potential danger to Chadwick. He was confronted with a woman who had just been seen hacking a tree with a large kitchen knife and whose behavior was erratic enough to cause a concerned bystander to call 9-1-1 and then flag down Kisela and Garcia.

The Supreme Court noted that it does not suffice for a court simply to state that an officer may not use unreasonable and excessive force, deny qualified immunity, and then remit the case for a trial on the question of reasonableness. **An officer "cannot be said to have violated a clearly established right unless the right's contours were sufficiently definite that any reasonable official in the defendant's shoes would have understood that he was violating it." (emphasis added)**

▶ Use of Force

The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that the key in determining if an officer's use of force is appropriate is whether or not the force is reasonable in light of the facts and circumstances that are present. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20-20 vision of hindsight. The Court ruled that the measure of reasonableness must factor in allowances for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving, and that such factors are important in determining the amount of force that is necessary in a particular situation.

An officer's conduct is evaluated under an objective reasonableness standard [*Greiner v. City of Champlin*, 27 F.3d 1346 (8th Cir. 1994)]. The Court in *Champlin* held that claims that law enforcement officers used excessive force in making an arrest are analyzed under the Fourth Amendment, and the test is whether the amount of force used was objectively reasonable under the particular circumstances.

In *Smith v. Freland* 954 F.2d 343 (6th Cir. 1992), the Court stated that: "We must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day." What constitutes reasonable action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.

Use of Deadly Force

The use of deadly force during an arrest is governed by the U.S. Supreme Court decision in *Tennessee v. Garner*, 471 U.S. 1 (1985). In Garner, the father of a 15-year-old burglary suspect who was slain by a police officer, filed suit against the officer, the Memphis Police Department, the city of Memphis, and other public officials, alleging that the shooting violated the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution.

Officer Hymon shot the youth when he refused to stop. The Court noted that in using deadly force to prevent Garner's escape, the officer was acting pursuant to the authority of a Tennessee statute, which provided that "if, after notice of the intention to arrest the defendant, he either flees or forcibly resists, the officer may use all the necessary means to effect the arrest" [Tenn. Code Ann. sec. 40-7-108 (1982)]. Although the police department's policy was more restrictive than the state statute, it also authorized the use of deadly force in cases of burglary.

The Court held that the Tennessee statute was unconstitutional as applied and that deadly force may not be employed to prevent the escape of a suspected felon unless the police officer has probable cause to believe that the suspect poses a significant threat of serious harm or death to the officer or others. A key issue often overlooked in a discussion of the *Garner* case is that while the City was held liable for the death, the individual officer (Hymon) was not because the officer was acting pursuant to a statute and his reliance on the statute was reasonable.

Officer Thomas Pappas was terminated by the New York City Police Department (NYPD). At the time of his termination he worked as a computer operator in the NYPD information systems division. Prior to his transfer to information services, he spent five years as a patrol officer. He was a commissioned officer. On at least two occasions, he received letters from an auxiliary police department soliciting charitable contributions. Pappas responded by filling the enclosed return envelopes with racist and anti-Semitic materials and returning them anonymously. Nowhere in the mailings did he identify himself or his affiliation with the NYPD. Apparently, he responded to charitable solicitations from other, non-police-related organizations in a similar manner.

The Nassau County Police Department initiated an investigation to identify the sender. The department sent out a similar charitable solicitation enclosing coded return envelopes. Pappas used the coded envelope to send a batch of racist and anti-Semitic literature. The Nassau County Police Department was thus able to trace the literature's source to a post office box rented by Pappas. This investigative technique was repeated several more times with similar results, first by the Nassau County Police Department and later by the NYPD Internal Affairs Bureau.

COUNTY OF SACRAMENTO V. LEWIS

118 S. Ct. 1708 (1998)

The police, on occasions calling for fast action, have obligations that tend to tug against each other. Their duty is to restore and maintain lawful order, while not exacerbating disorder more than necessary to do their jobs. They are supposed to act decisively and to show restraint at the same moment, and their decisions have to be made in haste, under pressure, and frequently without the luxury of a second chance.

The NYPD charged Pappas with violation of a departmental regulation forbidding dissemination of defamatory materials through the mail. After a disciplinary trial, he was found guilty of violating this regulation and was dismissed from the NYPD. He brought a 42 U.S. Code sec. 1983 claim in the Southern District of New York contending that the dismissal violated his First Amendment rights.

The district court dismissed his claim, finding that the speech at issue did not constitute speech on a matter of public concern. A sharply divided U.S. Court of Appeals for the Second Circuit, in an opinion written by Judge Pierre N. Leval, upheld the district court's actions. The court reasoned that because a police department cannot function effectively without public perception that it enforces the law in an unbiased manner, the state's interest in promoting the efficiency of its services outweighs the officer's interest as a citizen in commenting on matters of public concern. Judge Colleen McMahon (United States District Court for the Southern District of New York, sitting by designation) filed a separate concurring opinion reasoning that the court need not reach this balancing analysis because the officer's mailings did not constitute speech on a matter of public concern [*Pappas v. Giuliani*, 290 F.3d 143 (2d Cir. 2002)].

Negligent Hiring of an Officer

Consider this scenario: The city hires a new officer and shortly after the officer completes his training, he stops a female driver and rapes her. Is the city liable for the negligent hiring of the officer and thus putting the officer in a position where he could stop and rape a female driver? This question was explored in *Schneider v. City of Grand Junction Police Dept.* (2013 WL 2421071, C.A.10 (Colo.), 2013). The court held that the city was not subject to liability under § 1983 for hiring of a police officer who subsequently raped plaintiff, where the police department conducted adequate background check, and there was no evidence that the city had an actual or a constructive notice of need for any additional background investigation.

What if the city had hired the officer without a background check? It would appear that the city may have been held liable in this situation if a background check would have revealed sufficient information to alert the city that this situation may occur. But if the background check did not raise any issues as to the future conduct of the officer, then it would appear that the city would not be liable for the failure to conduct the check. This is based on the assumption that had the city conducted the background check and discovered no "red flags," the failure to check would have been harmless.

Summary

- Unless the incident qualifies as a search or seizure, it is not restricted by the Fourth Amendment.
- The U.S. Supreme Court presently uses the "privacy approach" in deciding what constitutes a search.
- A search is a government intrusion into an area or interest where a person has a reasonable expectation of privacy.
- Houses are one of the items specifically listed in the Fourth Amendment. The U.S. Supreme Court has always protected the sanctity of the home. The Court has expanded the protection of "house" to include the actual structure and the living space surrounding the home.
- The legal concept of standing is based on the rule that defendants generally must assert their own legal rights and interests, and cannot rest their claim to relief on the legal rights or interests of another person.
- The magistrate, not the police, makes the determination as to whether probable cause exists in warrant cases.
- Probable cause may be based on hearsay information.
- The phrase "person of reasonable caution" does not refer to a person with special legal training, it refers to the average person who under the circumstances would believe that the individual being arrested had committed the offense or that the items to be seized would be found in a particular place.
- A *Franks hearing* looks at the issue of police misconduct in production of the affidavit used to support the finding of probable cause.
- To void an otherwise valid search warrant because of false or misleading statements by the police, the defendant must make "a substantial showing that the officer intentionally or recklessly omitted facts required to prevent technically true statements in the affidavit from being misleading."
- The two most frequent situations in which the police may search without a warrant are vehicle searches and where exigent circumstances prevent the police from having time to obtain a search warrant.
- Persons may waive their rights under the Fourth Amendment and consent to a search. Unlike in-custody interrogation, an officer is under no obligation to advise the individual of the right to refuse the request or to seek an attorney.
- An arrest requires four essential elements:
  - intention to arrest
  - authority to arrest
  - seizure and detention
  - an understanding by the arrestees that they are being arrested
- The *exclusionary rule* is a judicially created remedy that originated as a means to protect the Fourth Amendment right of citizens to be free from unreasonable searches and seizures.

- The U.S. Supreme Court has held that not all evidence is "fruit of the poisonous tree" simply because it would not have come to light but for the illegal actions of the police. The "more apt question" is "whether, granting establishment of the primary illegality, the evidence . . . has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint."
- A civil action against an agency or officer may be based:
  - On an intentional tort (battery, false arrest, infliction of mental distress, conversion of property).
  - On negligence (negligent driving, negligent discharge of a firearm, negligence in the use of lawful force to effect an arrest).
  - On an infringement of a constitutional right (illegal search, denial of right to counsel, illegally preventing a person from exercising a constitutional right).
- The key in determining if an officer's use of force is appropriate is whether or not the force is reasonable in light of the facts and circumstances that are present. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20-20 vision of hindsight.

Classroom Discussion Questions and Activities

1. What does the Court mean when it states that it uses the "privacy approach" to determine if an activity is a search within the meaning of the Fourth Amendment?
2. In a recent case, the trial court overruled a defendant's objections to the admission of evidence discovered as the result of a warrantless search of a home. The trial judge held that the defendant "lacked standing to object." What did the judge mean by that ruling?
3. What are the differences between a search warrant and an arrest warrant?
4. Draft an affidavit that could be used to support a search warrant to search the home of a drug dealer.

Chapter References

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Glossary

18th Street: A Hispanic gang formed in the 1960s composed of individuals with mixed racial backgrounds.

activity log: A log kept by police patrol officers during patrol shift. The log is a record of all activities performed by the officer during the patrol shift. For example, all dispatched calls, car stops, building checks, and other self-initiated activities are recorded. This includes the time the call or activity was initiated, the time the officer arrived at the scene, and the time the call was cleared.

admission: A statement provided by an accused of a fact or facts pertinent to the issue that helps establish the accused's guilt, but does not admit actual guilt.

AMBER Alert: The notification to the general public, by various media outlets, that a confirmed abduction of a child has happened. AMBER is an acronym for "America's Missing: Broadcast Emergency Response," and was named for nine-year-old Amber Hagerman, who was abducted and murdered in Arlington, Texas, in 1996.

anthropometry: A personal identification method based on 11 body measurements.

anti-gang tactics: Tactics targeted to reduce gang problems; includes mediation, situational crime prevention, working with families, and other strategies.

associative evidence: Any evidence that can link a suspect to a crime.

authoritarian personality: A psychological construct of a personality type likely to be prejudiced and to use others as scapegoats.

beat: A geographical area of responsibility for a police patrol officer during a tour of duty. A beat is sometimes referred to as a response area or a response zone.

bias-based policing: Conduct by law enforcement authorities that is based solely on the race, gender, ethnicity, age, sexual orientation, or religion of an individual.

bloodstain pattern analysis: The study of blood as it comes in contact with a surface.

bright-line rule: A rule that has been established by court decisions that provide clear guidance to police officers.

broken windows theory: Based on an article titled "Broken Windows" by James Q. Wilson and George L. Kelling, which appeared in the March 1982 edition of *The Atlantic Monthly*. This theory uses the analogy that if a few broken windows on a vacant residence are left unrepaired, the tendency is for vandals to break more windows. Eventually, they may even break into the building, and if it's unoccupied, take up residence in the building or light fires inside. Broken windows and other neighborhood decay give the impression that no one cares about the neighborhood, which then becomes breeding grounds for criminal activity. The idea is that small disorder problems should be promptly addressed by the police and the community or they may lead to more serious crime problems.

building blocks: Memory tools designed to ensure that the officer covers **who, what, when, where, why,** and **how** in each investigative report.

bureaucracy: A concept referring to the way that the administrative execution and enforcement of legal rules are socially organized. Most police departments are highly bureaucratic. A bureaucratic organization is characterized by standard operating procedures (rule following), formal division of authority, hierarchy, and impersonal relationships.

burglary: The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

burnout: Job burnout is a form of stress that police officers may suffer to some degree at various times in their career. Burnout becomes critical when an officer is distressed and begins to feel fatigued and frustrated every day with no relief. In police culture, burnout is sometimes mistaken for an attitude problem.

CAD/RMS: Computer Assisted Dispatch/Records Management System that provides access to criminal justice data base inquiries.

carjacking: A crime of motor vehicle theft from a person who is present. In many cases the carjacker is armed, and the driver of the car is forced out of the car at gunpoint.

carjacking: The line of authority and responsibility in a police agency along which orders are passed.

chain of custody: A chronological record of those individuals who have had custody of the evidence from its initial acquisition until its final disposition.

child abuse: The physical or psychological mistreatment of a child by his or her parents (including adoptive parents), guardians, or other adults. While this term emphasizes carrying out wrong acts, a related term is child neglect: not doing what is necessary, negligence. The combined problem area is often called child abuse and neglect.

class characteristics: Evidence that has characteristics and that are common to a group of similar objects. Examples of evidence with class characteristics include soil, glass, and paint.

coactive policing: An approach where the police, the community, and other public and private resources work together to solve crime and crime-related problems.

communication: A transmission whose primary purpose is to transmit information.

community partnerships: A strategy that entails the police and the public working together in partnerships to solve problems in the community.

Community Policing Era: A currently evolving era of policing that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police—community partnerships.

community policing: A strategy of policing that focuses on the police working with the public to prevent and solve crime-related problems. Community policing is a strategy that entails organizational reengineering, problem solving, and partnerships; a philosophy in which the police are seen as members of the community, with police officers being part of where they live and work. Community policing often entails a three-pronged approach: (1) partnerships, (2) problem solving, and (3) organizational transformation. Police agencies that subscribe to this philosophy tend to do much more community work than traditional police departments.

CompStat: A crime-control model based on computer-driven statistics. It has been described as "a comprehensive, continuous analysis of results for improvement and achievement of prescribed outcomes."

Computer Voice Stress Analyzer (CVSA): An instrument that tries to detect deception by analyzing the level of stress in a person's voice.

conditional offer of employment: An employment offer extended to a police applicant contingent on the applicant successfully completing the latter stages of the selection process, such as psychological testing and medical and drug screening.

confession: A direct acknowledgment of guilt on the part of the individual providing the statement.

conflict resolution: Also referred to as dispute resolution. The process of resolving a dispute or a conflict by providing an equitable settlement to the needs and interests both sides, so that they are satisfied with the outcome. The objective of conflict resolution is to end conflicts before they start or before they escalate to physical fighting.

consent to search: Authorization given to the police to search someone's home or other location by the person who has care, custody, and control of such place.

crime early warning system (CEWS): A computer program that maps crime forecasts by geographic area to provide a jurisdiction-wide scan for areas perhaps needing changes in tactical deployment of police.

Crime Prevention Through Environmental Design (CPTED): A multidisciplinary approach to deterring criminal behavior. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Most recent implementations of CPTED occur solely within the built environment.

crime prevention: Actions taken by the police and the community to reduce crime risks and build individual and community safety.

crime scene: A location where a criminal offense occurred and where evidence of the crime may be located. It is not necessarily the only location where the crime took place. Indeed, there are primary, secondary, and often tertiary crime scenes.

crime scene log: A log that is kept at the crime scene, that documents persons present at the crime, what time they arrived, what time they left, and what action they took. This includes not only police personnel, but also medical and fire personnel. Provides permanent documentation of those present at the crime scene.

CrimeStat: A spatial statistics program for the analysis of crime incident locations.

Crimewatch: An Oakland, California, Police Department website that allows individuals to map a selection of various crimes. The crimes may be displayed by police beat, district, or street address.

criminal geographic targeting (CGT) models: Computer-generated models that help investigators determine where serial criminals most likely reside given the locations of their crimes. The CGT model adheres to the assumption that a distance relationship exists between the residences of serial offenders and where they choose to commit their crimes.

culture: A system of shared beliefs, values, customs, and behaviors that the members of different groups use to cope with their world and with one another, and that are transmitted from generation to generation.

curtilage: The area outside the home itself, but so close to and intimately connected with the home and the activities that normally go on there that it can reasonably be considered part of the home.

cybercrime: Criminal offenses carried out with the use of the computer. Child pornography, theft of a password or user identification, and releasing viruses are examples of cybercrime.

cynicism: A modern cynic typically has a highly skeptical attitude toward social norms. In policing, officers may become cynical of the ritualistic purpose of police work and will tend to question the validity of a substantial proportion of beliefs, policies and procedures, and rules and regulations. Cynicism can affect the officer's productivity and impact the morale of other police officers.

departmental regulations: Police department regulations govern the conditions of police service, annual leave, overtime, promotion, and have an influence on almost all daily police activities. Departmental regulations are usually broader and cover internal matters, such as dress and grooming standards, when compared with standard operating procedures which focus more on field procedures.

differential response: A system in which police calls are prioritized by the seriousness of the offense. For example, some calls for police services are time critical and some can be deferred. Some police responses must be made in person, while others can be handled by a telephone report unit or other city departments.

digital evidence: Information stored or transmitted in binary form that may be relied on in a court.

directed patrol: A strategy where police officers are assigned to patrol and give attention to specific problem areas that are identified through problem or crime analysis.

directive approach: Where the interviewer establishes the purpose of the interview and controls its pacing.

DNA: DNA is a long polymer of nucleotides (a polynucleotide) and encodes the sequence of the amino acid residues in proteins using the genetic code, a triplet code of nucleotides.

domestic violence: Violence that occurs within a family or an intimate relationship, including spouse beating and child abuse. Domestic violence is one of the most common forms of gender-based violence and is often characterized by long-term patterns of abusive behavior and control; violence between adult intimate partners. An abusive behavior used by one person in a relationship to control the other. Domestic violence typically involves an assault or battery upon a member of a household including a spouse, parent, child, blood-related family member, or others domiciling in the same place.

dumb terminals: Computer terminals that are limited to basic functions and do not allow officers' direct access to criminal justice databases, automated field reporting, or the department's Intranet and wireless network.

dying declaration: A statement by a person who is conscious and reasonably believes that death is imminent concerning what he or she believes to be the cause or circumstances of death that can be introduced into evidence during a trial in certain cases.

ebonics: Distinctive dialect with a complex language structure found among many African-Americans.

emergency operations mode: When a police car is traveling with red lights and siren in operation. This is sometimes referred to as "code three" driving.

emergency radio traffic: Usually given to officers who check out a potentially dangerous scene. This basically means that officers should keep minimal radio traffic (stay off the radio) unless absolutely necessary or until emergency traffic is released by officers on the dangerous scene.

Enterpol: A suite of computer applications designed primarily for small-to-medium size police departments, but which can also handle larger agencies. The suite assists in dispatching, information management, and facility records, from initial 9-1-1 call to booking and release or incarceration. Enterpol is an IBM Lotus Domino-based solution, based on the Domino platform.

ethics: A philosophy that examines the principles of right and wrong, good and bad. Ethics has also been defined as standards of fair and honest conduct.

ethnic group: A group set apart from others because of its national origin or distinctive cultural patterns.

evidence: Anything that assists in proving or disproving a fact. Any object that can establish that a crime has been committed, or any object that can link a suspect to a crime, or provide a link between the victim and a crime. The weapon used in a homicide is considered evidence that can assist in proving the crime of murder.

Exclusionary rule: A rule of evidence that excludes evidence from being admitted in a criminal trial on the question of the defendant's guilt or innocence that was obtained in violation of the defendant's constitutional rights.

field interview: A police practice of stopping a person and demanding an explanation of why that person is in a certain place at a particular time. This information is usually recorded on a field interview card and indexed for intelligence purposes; the stopping and interviewing of a person by a police officer when there is an absence of suspicious circumstances.

field notes: Notes made at the scene of a crime for the purpose of compiling facts in the order in which they presented themselves.

fingerprint evidence: Fingerprints collected at a crime scene or on items of evidence from a crime scene. Fingerprint evidence can assist in identifying the perpetrator of a crime.

first responder: Individuals or groups responding directly to the scene of an incident, such as firefighters, law enforcement, and emergency medical service.

foot patrol: A method where police officers patrol their assigned beat on foot. The objective is that police officers will become better acquainted with citizens and thus more knowledgeable about community concerns. Many police agencies have brought foot patrol back into their operations as a result of evolving community policing strategies.

forensic: An adjective relating to law courts or to public debate, based on a Latin word meaning "pertaining to law."

forensic science: The study and application of scientific facts and techniques to legal problems.

Franks hearing: A hearing that looks at the issue of police misconduct in production of the affidavit used to support the finding of probable cause.

frisk: Also referred to as a pat-down search. A noninvasive precautionary frisk or pat-down search of the outer clothing of a suspect. The purpose of the frisk is to protect the officer. The justification for the frisk is discussed in the case of *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968).

"Fruit of the Poison Tree" Doctrine: A rule of evidence, that holds that evidence obtained by exploiting an unreasonable search or seizure is subject to suppression at trial.

geographic information systems (GIS): Computerized systems that consist of a constellation of hardware and software that integrate computer graphics with a relational database for purposes of managing and displaying data about geographic locations.

ghetto: An area within a city in which members of a particular cultural, ethnic, religious, or national group live in high concentration. The term *ghetto* is now commonly associated with notions of deprivation, unemployment, and social exclusion and is sometimes used interchangeably with the term *inner city*.

graffiti: Illegal or unauthorized defacing of a building, wall, or other structure or object by painting, drawing, or otherwise marking it with words, pictures, or symbols. Graffiti is often painted on property by gang members who use it as a means to mark their territory and communicate with rival gang members.

hate crime: A crime where the offender chooses the victim based on the victim's race, ethnicity, or religion.

homelessness: A situation, where a person does not have a permanent place of residence. Often homeless persons live on the street or in abandoned buildings.

hot spots: Areas of concentrated crime.

human trafficking: The illegal trade in human beings for the purpose of commercial sexual exploitation or forced labor. Human trafficking is referred to as a form of modern day slavery.

individual characteristics: Evidence that has characteristics that are unique to a given object and set it apart from similar objects. Examples of evidence with individual characteristics, including fingerprints, palm prints, and footprints.

information gathering interview: An interview generally conducted during the preliminary investigation of a crime with the purpose of gathering information.

interrogation: Controlled questioning calculated to discover and confirm the truth from the responses of an individual, in spite of his or her intentions and efforts to conceal the truth.

interview: A nonaccusatory questioning of an individual for the purposes of obtaining information.

investigative stop: The stopping and interviewing of a person where there is the possibility that criminal activity may be occurring or has occurred.

Kansas City preventive patrol experiment: This seminal experiment found that traditional routine patrol strategies in marked police cars do not appear to affect the level of crime, nor does it affect the public's feeling of security. The experiment demonstrated that urban police departments can successfully test patrol deployment strategies and that they can manipulate patrol resources without jeopardizing public safety.

labeling theory: A sociological approach introduced by Howard Becker that attempts to explain why certain people are viewed as deviants and others engaging in the same behavior are not.

Latin Kings: An Hispanic gang, also known as the Almighty Latin King Nation (ALKN), formed in Chicago in the mid-1960s.

Locard principle: A principle that holds that every contact leaves a trace.

magistrate: A judicial officer or judge with the authority to issue warrants.

major outlaw motorcycle gangs: The Hell's Angels, Bandidos, Outlaws, and Pagans. These gangs have been identified as being involved in murder, bombings, extortion, arson, and assault.

malfeasance: The intentional commission of a prohibited act or intentional unjust performance of some act of which the party had no right (e.g., gratuity, perjury, use of police resource for personal use).

manufactured fibers: Fibers that are either regenerated fibers or fibers made from substances created in a laboratory.

MDTs: Mobile data terminals located in a patrol vehicle.

melting pot: A place where immigrants of different ethnicity or cultures form an integrated and homogenous society.

microspectrophotometer: An instrument used to analyze the chemical identity of the fiber and any dyes used to color the fiber.

Miranda Myths: The concept that there are numerous misconceptions about what the *Miranda v. Arizona* decision means. Two of the most popular misconceptions are: (1) anything gained in violation of *Miranda* is inadmissible and (2) the warning must be given on traffic stops.

misfeasance: The performance of a duty or act that one is obligated or permitted to do in a manner that is improper, sloppy, or negligent (e.g., report writing, unsafe operation of motor vehicle, aggressively "reprimanding" a citizen, improper searching of arrestees).

missing person: Someone who has disappeared for a long period of time, commonly with no known reason. Their photographs are often posted on bulletin boards, postcards, and websites.

modus operandi: Often abbreviated as "MO," this is a Latin phrase, translated as "mode of operation." It is used in police work to describe a criminal's characteristic patterns and style of work.

moral development: The theory that we develop morally similar to our physical development. The theory contends that because we are not born with the ability to understand and apply moral standards to our actions, we develop them similar to the manner in which we learn to do physical things, such as ride a bicycle.

MS-13: A primarily El Salvadoran street gang that originated in Los Angeles in the 1980s.

multiculturalism: A term used to describe many cultures learning to get along with one another with mutual respect.

narcotic offenses: Drug-related crimes that run the gamut from simple possession of marijuana to the sale of heroin.

National Crime Information Center (NCIC): A computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.

National Response Team (NRT): A planning, policy, and coordinating body; providing national-level policy guidance prior to an incident and does not respond directly to an incident.

natural fibers: Fibers from animal fur, silkworms, or plants.

neighborhood watch: A citizens' organization devoted to crime prevention within their neighborhoods. Neighborhood watch members stay alert to unusual activity in their neighborhoods and contact the police.

nondirective approach: Where the interviewer allows the interviewee to determine the approach and scope of the interview.

nonfeasance: The failure to perform an act that one is obligated to do, either by law or directive, due to omission or failure to recognize the obligation (e.g., failure to file a report).

open fields: The portion of a premises that is outside the curtilage of the home or business. "Open fields" are not protected by the Fourth Amendment.

organizational change: Sometimes referred to as organizational reengineering. A process of reviewing and changing an organizational culture. Organizational change may include changes in policy and procedures, organizational values, organizational structure, management, and leadership. Organizational change is necessary for the successful implementation of community policing strategies.

organizational culture: Often defined as the shared philosophies, ideologies, values, beliefs, assumptions, expectations, attitudes, and norms of an organization.

per curiam: A court decision where all the justices agree and there is no principle author of the opinion.

phonetic alphabet: List of words used to identify letters in a message transmitted by radio or telephone.

place theories: Theories that explain why crime events occur at specific locations.

pluralism: The notion that various groups in a society have mutual respect for one another's culture, a respect that allows minorities to express their own culture without suffering prejudice or hostility.

police canine: A dog that is trained specifically to assist police officers and similar law enforcement personnel with their work. They are also known as police K-9s.

police officer: A member of a police department who is sworn to make arrests and carries a firearm. A police officer performs general patrol and/or special law enforcement assignments in the protection of life and property; enforces city, county, and state laws and regulations; performs a variety of activities and operations associated with crime prevention, traffic enforcement, crime/accident investigation and reporting, and related law enforcement areas; and performs related duties and responsibilities as required.

police pursuit: A police pursuit is an active attempt by an officer operating a police vehicle to apprehend the driver or occupants of a motor vehicle when the driver is aware of those attempts and is resisting apprehension by fleeing in the motor vehicle.

Political Era: An era of American policing, which spanned from the 1840s until around the 1930s. This era was the bedrock of early American policing. During the Political Era, policing was dominated by political control. During this era there were close ties between the police and politicians

polygraph (lie detector): An instrument that records physiological reactions of the person being examined to specific questions in an effort to detect deception.

positional asphyxia: Most simply defined as death that occurs because the position of a person's body interferes with respiration (breathing) and the person cannot get out of that position. Death occurs due to the person's inability to breathe anymore. Anybody position that obstructs the airway or that interferes with the muscular or mechanical means of getting air into and out of the body will result in a positional asphyxia death if the person cannot get out of it.

prejudice: A negative attitude that rejects an entire group.

preliminary investigation: The investigation of the crime scene usually performed by first responding police officers immediately after the crime has been detected and reported.

preliminary report: A report that details a crime incidence completed by the first responding police patrol officer. The preliminary report is used by detectives in the subsequent follow-up investigation.

principle of veracity: Bok's principle that establishes a very strong moral presumption against lying.

proactive policing: When police work with the community to prevent crime. Community policing and neighborhood watch programs are two examples of proactive policing.

probable cause: Exists where the facts and circumstances within the officer's knowledge and of which he or she has reasonably trustworthy information is sufficient to warrant a person of reasonable caution to believe that an offense has been or is being committed.

problem solving: A critical element of the community policing strategy. Problem solving is a tactic used to produce long-term solutions to problems of crime or decay in communities. Police, residents, and other agencies or organizations work together to identify and find the causes for neighborhood crime problems, then develop responses to the problems based on the problems' causes; the systematic identification of the actual and potential causes of crime and conflict within the community that can be analyzed with the results guiding development of measures that address the problems in the short, medium, and long terms. Problem solving also involves conflict resolution and other creative methods to address service delivery and police–community relations problems.

problem-solving interview: An interview that is directed to determine who committed the crime.

proof beyond a reasonable doubt: The level of certainty a juror must have to find a defendant guilty of a crime. Proof beyond a reasonable doubt is proof of such a convincing character that you would be willing to rely and act upon it without hesitation. The burden of proof in a criminal trial before an individual may be found guilty.

questioned document: Generally considered as any signature, handwriting, typewriting, or other mark whose source or authenticity is in dispute or doubtful.

racial profiling: The practice of constructing a set of characteristics or behaviors based on race and using that set of characteristics to decide whether an individual might be guilty of some crime and therefore worthy of a stop, investigation, or arrest.

racism: A doctrine that one race is superior. Racism may be expressed individually and consciously, through explicit thoughts, feelings, or acts; or socially and unconsciously, through institutions that promote inequality between races.

radio spectrum: The complete range of frequencies from approximately 30 kHz up to more than 300 GHz that can be used for radio communications.

radio wave: The basic building block of radio communications. Like waves on a pond, a radio wave is a series of repeating peaks and valleys.

reactive policing: When police respond to crime calls after they have been committed.

Reform Era: An era of American policing that sought to correct the inherent problems created by the Political Era. The Reform Era emphasized an organization indoctrinated along traditional lines: highly centralized, bureaucratic, and designed on the premise of divisions of labor and unity of control.

repeat victimization theories: Theories that pertain to questions of why the same victims are targeted repeatedly.

restraint asphyxia: Restraining an offender in a manner to physically restrict the body's movement. The factor that distinguishes a restraint asphyxia death from a positional asphyxia death is that some form of restraint is the reason the victim could not escape the asphyxiating position.

RICO predicate act: A basic criminal act; can include any substantive criminal act such as illegal drug distribution, fraud, theft, or illegal gambling.

riot: A public disturbance by three or more persons acting in an unruly and disorderly manner, and resulting in the potential risk of injury to persons, damage to property, and disruption of the public peace.

risk assessment: Assessment that combines criticality, threat, and vulnerability assessments to complete the portrait of risk to an asset or group of assets.

road rage: The deliberate dangerous and/or violent behavior under the influence of heightened, violent emotion such as anger and frustration, with regard to the use of automobiles. Road rage is violence exhibited by drivers in traffic.

robbery: The crime of seizing property through the use of force or the threat of the use of force. Because violence is an ingredient of most robberies, this sometimes results in the serious injury or murder of the victims.

SARA: A problem-solving model that stands for (S) scanning, (A) analysis, (R) response, (A) assessment.

scapegoating: When a person or group is blamed irrationally for another person's or group's problems or difficulties.

School COP Program: A computer program that does mapping with bitmap images. Incidents (crimes) are geo-coded when you pick the location where they occurred. After the data is entered, you can map all incidents or any subset of incidents.

search warrant: An official order signed by a judge or magistrate authorizing a search of someone's home or other location. The controlling principles governing search warrants are generally provided by the U.S. Constitution's Fourth Amendment.

search: A government intrusion into an area or interest where a person has a reasonable expectation of privacy.

selection-type interview: An interview that is used in law enforcement to screen out or weed out individuals.

self-fulfilling prophecy: The tendency of individuals to respond to and act on the basis of stereotypes, a predisposition that can lead to the validation of false definitions.

standard operating procedure: A written and codified manual of a police organization. *The Standard Operating Procedure Manual* is a roadmap that assists police officers in the field as a guide.

standing: Based on the rule that defendants generally must assert their own legal rights and interests, and cannot rest their claim to relief on the legal rights or interests of another person.

stereotyping: Unreliable generalizations about all members of a group that do not take into account individual differences within the group.

street theories: Theories that deal with crimes that occur at a slightly higher level than specific places; that is, over small, stretched areas such as streets or blocks.

Sur 13: Southern gangs that are closely associated with the Mexican Mafia and often use the number 13 in their gangs and tagging, as M is the thirteenth letter of the alphabet.

terrorism: The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives; criminal acts caused by persons or groups motivated by political or social goals, ideological justification, and considerable forethought and planning.

Terry stop: A temporary stop with reasonable suspicion based on articulable facts that criminal activity is involved.

threat assessment: A technique used by law enforcement authorities for the purpose of evaluating and describing the nature and degree of a threat. Involves efforts to identify, assess, and manage individuals and groups who may pose threats of targeted violence.

testimonial evidence: Evidence that may be presented by witnesses at a trial or other type of hearing. Generally, testimonial evidence is given by a witness to the crime or by an expert.

tracing evidence: Evidence that results from the transfer of small quantities of materials. Tracing evidence is usually in the form of small particles and includes such items as hair, paint, glass, and fibers.

Uniform Crime Report (UCR): The Uniform Crime Reports are crime indexes, published annually by the Federal Bureau of Investigation, which summarize the incidence and rate of certain reported crimes within the United States.

utilitarianism: A theory that attempts to answer what makes an action good by evaluating the sum total of the pleasures and pain that a course of action would bring.

values: Beliefs that guide a person's or organization's behavior.

verbal communications: Language that is either written or oral.

vulnerability assessment: The identification of weaknesses in physical structures, personnel protection systems, processes, or other areas that may be exploited by terrorists.

warrant: A writ or judicial order issued by a court of law directing a law enforcing officer to arrest or seize a specifically named person, or to search a specific known location for fruits or instrumentalities of a crime.

writing: A method of recording and communicating ideas by means of a system of visual marks.

zero tolerance: A police tactic where officers engage in aggressive patrolling, including stopping persons for minor violations. Zero tolerance tactics are usually carried out in areas that have a high incidence of crime.

Index

Note: Bold page numbers indicate marginal definitions, italic page numbers indicate figures, and page numbers followed by t indicate tables.

A

AAPA. *See* American Association of Port Authorities (AAPA)
AAS. *See* Atomic absorption spectroscopy (AAS)
Abandoned vehicles
  characteristics, 234
  on private property, 235
  on public roadways, 235
Ability, criminal, 112
Abuse
  economic, 119
  emotional, 119
  physical, 118
  psychological, 119
  sexual, 119
Accidents, traffic, 259–260
Active listening, 215
Active persuasion, 176
Active shooter, 88
  response, 89–90
Activity log, **70**
Adams v. Williams, 452
Admission, **184**
Adult entertainment establishments, 66
AFIS. *See* Automated Fingerprint Identification System (AFIS)
African Americans
  church of, 367
  harassment by police, 353
  population of, 350
Aggressive crowd, 77
Aircraft patrol, 52–53
Aircraft speed surveillance, 41
Albright v. Oliver, 460
Alcohol, 329, 330
  driving under influence of, 337–339
  drunk driving, 336
  legalization of, 339
  offenses, 336–339
  public drunkenness, 337
Alcohol abuse, prevention of, 341–342
  social-control approaches, 342
  socialization approaches, 341–342
ALEIR. *See* Automated Law Enforcement Incident report (ALEIR)
Allen v. Roe, 198
Allocation, police patrol, 53–54
Almeida-Sanchez v. United States, 253–254
Almighty Latin King Nation (ALKN). *See* Latin Kings
Al Qaeda, 89
AMBER Alert, **224**–225
American Association of Port Authorities (AAPA), 412
Ammunition
  as evidence, 163
Amos v. United States, 441
Amphetamines, 329–330
Analysis, 112, 113, 238
ANI/ALI. *See* Automatic number identification/automatic location identification (ANI/ALI)
ANSIR. *See* Awareness of National Security Issues and Response Team (ANSIR)
Anti-gang legislation, 317–318
Anti-gang tactics, **317**, 318–319
Anti-terrorist agencies
  acronyms used by, 419
  civil defense battalions, 427–429
  Department of Homeland Security, 415–419
  Federal Bureau of Investigation, 424–425
  state homeland security agencies, 426–427
Apartment complex
  combating drug dealing in, 125
  presence of drug dealing in, 123
APD. *See* Austin Police Department (APD)
Arizona v. Fulminante, 203
Arizona v. Hicks, 441, 448
Arrests, 453–455
  of domestic violence suspect, 216–218
  elements required for, 453–454
  mass, 78
  of offender, 71–72
Arrest teams, 78
Arrest warrant, rules regarding, 455
Ashby v. State, 205
Ashcraft v. Tennessee, 189–190
Asian gangs, 325
Asians, population of, 350
Asphyxia
  deaths by, 73
  positional, 73
  restraint, 73
Assessing and Managing the Terrorism Threat, 407–408
Assessment, 112, 238
  psychological, 12
  risk, 411
  threat, 407–408
  vulnerability, 409–411
Association of Public Safety Officers, 298
Associative evidence, **157**
Attitude, police officer, 63
Austin Civil Defense Battalion, 427–429
Austin Police Department (APD), 427–428
Authoritarian personality, **365**
Authorized emergency vehicles, 81
Automatic number identification/automatic location identification (ANI/ALI), 311
Automobiles. *See* Vehicles
Auxiliary agencies, 49
Average speed calculator and recorder, 41
Awareness of National Security Issues and Response Team (ANSIR), 425

B

Background investigation, 12–13, 14
Badge, police officer, 30
Bandidos gang, 323

Barbiturates, 329, 330
Bars, on beat, 66
Bartlett, Derrick, 92
Bayley, David, 37
Beat
  defined, 49, **64**
  knowledge of persons, 64–67
  management test, 68
  suspicious places on, inspection of, 66–67
Behavior
  ethical, 264
  ethics as restriction on, 266–267
  unethical, in business, 273
Behavioral control factors, 260
Bennett v. Passic, 460
Bentham, Jeremy, 267
Berger v. New York, 446
Berkemer v. McCarty, 191
Bias-based policing, **356**
Bias crime. *See* Hate crime
Bicycle patrol, 52
Biscoe v. State, 203
Black Tar Heroin, 331
Block watch, 38
Blood alcohol level, 338
Bloods gang, 324
Bloodstains, as evidence, 159–160
The Bluejackets' Manual, 300
"Blue Sheepdog" website, 252
Bobbies, 29, 30
Bobby Joe Mullinax v. State of Arkansas, 256
Body armor, 54
Body language, 185–186
Body-worn cameras (BWCs), 282–283
Boehnke, A., 327
Bok, Sissela, 273–274
Bomb threats, 429–430
Bona fide occupational qualification (BFOQ), 10
Border checkpoints, 253
Border and Transportation Security directorate, 416
Boy's and Girl's Clubs, 367, 369
Brady v. Maryland, 13
Bram v. United States, 202
Breul, N., 271
Brewer v. Williams, 191
Briefing Book on Crime Mapping, 387
Brigham City v. Stuart, 449
Bright-line rule, **198**
Brinegar v. United States, 443
Briscoe v. LaHue, 459, 460
British style of policing. *See* English policing system
Broken windows theory, **124**
Brown v. Mississippi, 190
Brown v. Texas, 255
Brown, Michael, 354
BTK strangler, 137–138
Bulletproof vest, 63
Bullets, as evidence, 163
Bumper v. North Carolina, 275–276, 441
Burden of proof, and confession, 202
Bureau, 49
Bureaucracy
  defined, **46**
  police department as, 46–47
Burglary
  Crime Prevention Through Environmental Design (CPTED), 121–122
  defined, **120**
  police response to, 120
Burnout, **19**
Business establishment robbery, 128
Byars v. United States, 441

C

CALEA. *See* Communications Assistance for Law Enforcement Act (CALEA)
California Controlled Substances Act, 332
California Personality Inventory (CPI), 12
California Statute–Authorized Emergency Vehicles, 81
California Vehicle Code, 260
Call-identifying information, 302–303
Calls
  crime (*See* Crime calls)
  differential response to, 42
  prowlers, 220–223
  repeat, 237–238
  service-related (*See* Service-related calls)
  suspicious character, 219–210
  types of, 26
Call signs, 299–300
Cannabis, 331, 332
Cannabispray, 166
Captain, 48, 55
Carjacking
  defined, **128**
  misconception about, 128
  preventional tips for citizens, 129
Carroll v. United States, 443
Carter, Ronnie, 367
Cartridge cases, as evidence, 163–164
CASE (Crime Analysis Spatial Extension), 391
Case-specific evidence, 170
Casual crowd, 76
CCE statutes. *See* Continuing Criminal Enterprise (CCE) statutes
CDPD. *See* Cellular digital packet data (CDPD)
Cellular phones, 303
Central nervous system
  depressants, 330
  stimulants, 328–330
Certiorari, writ of, 439
CEWS. *See* Crime early warning system (CEWS)
CGT models. *See* Criminal geographic targeting (CGT) models
Chain of command, 47–48
  defined, **48**
Chain of custody
  defined, **155**
Channels, 296
Chapman v. United States, 441
Checkpoints, 253
  types of, 253
Chemical reagents, 165
Child abuse
  defined, **230**
  types of, 231
Children
  drug testing in school, 450, 452
  missing (*See* Missing children)
  physical abuse, 231
  runaway, 240
  welfare checks of, 230–231
Chimel v. California, 441
CINT. *See* Critical Incident Negotiation Team (CINT)
CIRG. *See* Critical Incident Response Group (CIRG)
Citizen police academies, 368
Citizens
  carjacking preventional tips for, 129–130
  casual conversations with, 66
  in coactive policing, 44–46
  deaf/hard of hearing, communications with, 309–310
  neighborhood watch program, 38–39
  police contact with, 238–239
  during Reform Era, 35–36
  reporting drug activity, 122–123
  voluntary patrol duty, 29
Citizen's arrest, 454
Civil defense battalions, 427–429
Civil disturbance, 78
Civil liability
  causes of, 459
  issues involving, 460–461

Civil Rights Act, 10
Civil unrest, 75–78
Class characteristics, **157**
Closed system, 50
Close-up photographs, 151
Clustered pattern, crime map, 386
CMAP (Crime Mapping & Analysis Program), 391
CMU. *See* Crisis Management Unit (CMU)
CNU. *See* Crisis Negotiation Unit (CNU)
Coactive policing, **44**–46
Coalition for Domestic Violence, by state, 118–120
Coast Guard National Strike Force (NSF), 418
Coast Guard Public Information Assist Team (PIAT), 418
Cocaine, 328–330
Codeine, 331
Code three, 82, 94
  driving, 95–96
  procedure for, 96
  risks of, 96
CODIS. *See* Combined DNA Index System (CODIS)
Coercion, psychological, 202–205
Cohesive crowd, 76
Coleman, Tom, 353
Collins v. Virginia, 458
Collision, 256–258
Colorado v. Connely, 201
Colorado v. Spring, 205
Columbine High School shooting, 90–91
Command post
  at crime scene, 144
  during demonstration, 77
Commission on Law Enforcement and the Administration of Justice, 310
Commonwealth v. One 1958 Plymouth Sedan, 443
Commonwealth v. Williams, 205
Communications
  cross-cultural, 372
  data, 311–312
  with deaf/hard of hearing citizens, 309–310
  effective, dispute and, 213–214
  elements of, 287
  by email, 311
  eye contact, 372–373
  formal, 288
  gangs, 327
  informal, 288
  issues associated with, 307
  non-English speaking individuals, 307–308
  police language, 294–295
  purpose of, 287
  radio (*See* Radio communication)
  social space, 373
  survival Spanish, 308–309
  tactical, 214–215
  telephone, 303–308
  touching, 373
  upward, 288
  verbal, 287
Communications Assistance for Law Enforcement Act (CALEA), 302
Community contacts, 369
Community partnerships
  defined, **110**
  developing, 110
Community policing
  emergence of, 104–105
Community Patrol Officer Program (CPOP), 132
Community policing, **366**–368
  activities, 70
  combating drug activity, 125
  components of, 109
  defined, **108**
  effectiveness of, 132–133
  enforcing traffic laws, 259
  goal of, 109
  implementation of, 107–108
  incorporating on job, 118
  myths of, 116
  overview of, 366–368
  Peel's principles of policing as basis of, 29
  problem solving as component of, 39–40
  and role of police officer, 118
  and terrorism, 130–131
  traditional policing *vs.*, 108, 109t
Community Policing Era, **33**–36, 34t
CompStat
  defined, **391**
  meetings, 391, 392
Computer
  in-car systems, 311
  official email, 311
Computerized crime maps, 395
Computer Voice Stress Analyzer (CVSA), **185**
Conditional offer of employment, **12**
Confession
  defined, **184**
  examples of, 201–202
  voluntariness of (*See* Voluntary confession)
Conflict resolution, **213**. *See also* Dispute
Connally v. Georgia, 441
Consent to search, **147**, 451–452
Constitutional rights, violation of, 459
Constructive restraint, 454
Continuing Criminal Enterprise (CCE) statutes, 318
Controlled substances, 164–165
  defined, 333
  schedules, 334–336
Conventional stages, moral development, 268–269
Cool spot, 388
COPS Technology. *See* Community Oriented Policing Services (COPS) Technology
Corruption, officers, 270
Counter-Terrorism Bureau, 414
County Of Sacramento v. Lewis, 464
Court
  lying to, 275–276
CPTED (Crime Prevention Through Environmental Design), 121–122
Crime
  alcohol-related, 336–339
  hot spots for, 388–389
  hot spots theories, 398–399
  impact of community policing on, 36
  information, making public, 396–398
  mentally ill as victim of, 231–232
  in progress, 67
  property, 113
  triangle, 113–114
  Uniform Crime Report, 26–27
  violent, 25
Crime analysis, 387
  crime mapping and (*See* Crime mapping)
  goal of, 382–383
  level of, 392–396
  micro-level, 393
  for public safety, 395
Crime Analysis Spatial Extension (CASE), 391
Crime analysts, 382–383
  recovery location, 389
Crime and Disorder Reduction Partnerships (CDRPs), 387
Crime broadcasts, 302
Crime calls
  answering, 67, 68–70
  categories, 67
  preliminary report, 70
The Crime Commission, 310
Crime control, 36–37

Crime early warning system (CEWS), **392**
Crime-fighting, 211–212
Crime information, making public, 396–398
Crime mapping, 384–385
  computerized, 395
  constructing, 385
  delineating hot spots, 388
  GIS and, 386–387
  and law enforcement, 388
  need for, 385–386
  and prisoner reentry, 389–390
  proximity, 389
  for public safety, 395
  recovery locations, 389
  software, 390–391
  sex offenders, 389
  tracking serial offenders, 389
  types of incidents, 394
  usage, 385–386
Crime Mapping & Analysis Program (CMAP), 391
Crime Mapping Research Center (CMRC), 387
Crime prevention, **37**–38
  neighborhood watch as method of, 38–39
  in proactive manner, 44
Crime Prevention Through Environmental Design (CPTED), 121
Crime scene
  boundaries, 143
  bullets and ammunition as evidence, 163
  cartridge cases as evidence, 163–164
  command post at, 144
  controlling individuals at, 141–142
  defined, **139**
  documentation, 139
  electronic evidence at, handling of, 169
  firearms as evidence on, 162–163
  glass as evidence on, 161
  hair as evidence on, 160–161
  investigation, 143
  money as evidence on, 166–167
  neighborhood check, 146
  paint as evidence on, 161–162
  photographing, 149–150
  restricting news media at, 145
  securing, 141, 143–145
  tool mark as evidence, 164
  turning over control of, 146
  walk-through, 147–149
Crime scene log, **144**
Crime scene search
  grid method, 152, *152*
  purpose of, 151
  spiral method, 153, *153*
  strip method, 151, *152*
  wheel method, 154
  zone method, 153, *153*
CrimeStat, **390**
Crimewatch, **387**
Criminal gang, 315
Criminal geographic targeting (CGT) models, **389**
Criminal sniper, 91
Crips gang, 323–324
Crisis Management Unit (CMU), 425
Crisis Negotiation Unit (CNU), 425
Critical Incident Negotiation Team (CINT), 425
Critical Incident Response Group (CIRG), 424
Criticality, calculating, 408–409, 411
Critical missing, **224**
Cross-cultural communication, 372
Cross transfers of paint, 162
Crowd
  classification of, 76–77
  controlling, 76–77
  dispersion techniques, 78
Cruz, Nikolas, 89
Cultural diversity, 349–350
  training, 369–370
Culture, **372**
  organizational, 271
Culpability, 257
Curtilage, **439**
Custody, 192
CVSA. *See* Computer Voice Stress Analyzer (CVSA)
Cybercrime
  assessing evidence of, 170, 171
  defined, **169**
Cyberstalking, 170
  preventional tips, 171
Cynicism, **19**

D

DaGaetano, Gloria, 87–88
Data collection, 359
Data communications, 311–312
DDP gang. *See* Dominicans Don't Play (DDP) gang
Deadly force, 25
  usage of, 464–465
Deaf/hard of hearing citizens, communications with, 309–310
Death
  by asphyxia, 73
  due to traffic accident, 40
  dying declaration, 142
Deceit, in interrogation, 205–207
Decentralizing police operations, 50
Deception, 273–274
Deception, clues to, 185–186
Defendant's amendment. *See* Sixth Amendment
Delinquent gangs, 316
Demerol, 331
Demographics, 349–350
Demonstration
  command post, 77
  effective handling of, 76
Department, defined, 49
Departmental regulations
  defined, **63**
  for uniform and equipment, 62
Departmental values, 270
Department of Corrections, 64
Department of Homeland Security (DHS), 415–417
  agencies of, 416–417
  mission statement, 415
  strategic goals, 416
  threat assessment, 407–408
  vision statement, 415
Department of Justice
  and Uniform Crime Report, 26
Department of Justice investigation, 354
Derivative evidence exclusionary rule, 195
Desire, criminal, 114
Detroit Riots of 1967, 352–353
DHS. *See* Department of Homeland Security (DHS)
DiCesare v. Stuart, 445
Dickerson v. United States, 198
Differential response, **42**
Directed patrol, **44**
Directing traffic
  equipment used in, 248
  signals for, 248
  techniques for, 246–249
Direction, on crime map, 385
Directive approach
  advantages of, 178
  defined, **178**
  disadvantages of, 179
Disaster recovery agency
  FEMA, 419–420
Disasters. *See* Weather and natural disasters
Discrimination, 364
Dispatcher. 250
Dispersed pattern, crime map, 386
Dispute
  and active listening, 215

Dispute*(Continued)*
domestic violence, 216–218
effective communication skills and, 214
officer safety during, 214
resolution of, 216
tactical communication and, 214–215
uncovering hidden problem, 216
Distance, on crime map, 385
Diversity
cultural and ethnic, 349–350
in United States, 352
Division, defined, 49
Division of labor, 49
Documentation, crime scene, 139
Domestic servitude, 228
Domestic violence, 118–120
defined, **118**, **216**
investigation of, 119–120
obligations of police officer, 216–217
standard operating procedure for, 39
and tragedies, 217
Dominican gang, 325–326
Dominicans Don't Play (DDP) gang, 326
Doppler effect, 40
Driving while intoxicated (DWI)/driving under the influence (DUI), 261
aggravated offenses, 261
checkpoints, 253
Drug activity
broken windows theory, 124
characteristics of, 124
citizens reporting, 123
investigations of, 123
of outlaw motorcycle gangs, 323
Drug enforcement, 327–328
Drugs
cannabis, 332
central nervous system depressants, 330
central nervous system stimulants, 328–330
control of supply, 340–341
defined, 331–332
driving under the influence, 337–339
as evidence, 164
field testing of, 165, 166
and gangs, 344
hallucinogens, 329, 330
international agreements to prohibit, 340
legalization of, 339
legislation, 332–336
narcotic analgesics, 330–331
phencyclidine, 331
phencyclidine Cannabis, 329
prevention of illicit demand, 340
submission to labs, 166
substance abuse terms, 331–332
suppression of illicit international trafficking, 341
testing students for, 450
used in United States, 329
Drug checkpoints, 253
Drug testing of police officer, 13, 342–343
Dying declaration, **142**

E

Earthquake, FEMA guidelines, 420–424
Eavesdropping, 446–447
Economic abuse, 119
Education, accident prevention, 260
Edwards v. Arizona, 193
Edwards v. City of Houston, 309
18th Street gang, **320**, 321
Electric Tasers, 98
Electronic Communications Privacy Act, 170
Electronic crime (E-crime). *See* Cybercrime
Electronic eavesdropping, 446–447
Electronic evidence, 169
Electronic signs, roadside, 41
Elkins v. United States, 441
Ellins v. City of Sierra Madre, 281
EMAC. *See* Emergency Management Assistance Compact (EMAC)
Email, communication by, 311
Emergency, 81
Emergency lights, 250
Emergency Management Assistance Compact (EMAC), 427
Emergency operations mode, **94**
Emergency Preparedness and Response directorate, 416
Emergency radio traffic, **69**
Emergency response, 82
Emergency vehicles
authorized, 82
operation, 94–95
Emotional abuse, 119
Emotions, 186
Empathic listening, 208
Employment. *See also* Recruitment process
conditional offer of, 12
off-duty, 276
English policing system, 46
influence of, 28–31
Enhance 9-1-1 Act Of 2004, 303
Enhanced 9-1-1 (E9-1-1), 304
Epicurus, 267
Equal Employment Opportunity Commission (EEOC), 10
Equipment
departmental regulations for, 62, 63
for traffic control, 248
Era
Community Policing, 33–36, 34t
Political, 31
Reform, 31–33
Escobedo v. Illinois, 187
ESDA. *See* Exploratory spatial data analysis (ESDA)
Ethical behavior, 266
Ethical egoism, 266–267
Ethical problems, 265
off-duty employment, 276
personal gratuities, 271–272
sources of, 267
Ethics
defined, **264**
Kantian, 267
police officer and, 265
problems of (*See* Ethical problems)
as restriction on behavior, 266–267
tests for, 272
Ethnic diversity, 349–350
Ethnic groups, **370**
Evaluative listening, 208
Evidence
associative, 157
bloodstains as, 159–160
bullets/ammunition as, 163
cartridge cases as, 163–164
case-specific, 170
characteristics of, 157
collection steps, 172
controlled substance as, 164–165
crime scene search for (*See* Crime scene search)
defined, **139**
destruction of, 143
digital (*See* Digital evidence)
dying declaration as, 142–143
electronic, 169
fingerprint, 158–159
firearm as, 163–164
Fruit of the Poisonous Tree Doctrine, 458
glass, 161
hair, 160–161
money as, 166, 167
nature of, 154–155
nontestimonial, 207
paint, 161–162
photographing, 149
physical, 151, 154
questioned documents as, 168

saliva, 160
seminal stains, 160
sexual assault, 160
testimonial, 157
tips, 168–169
tool mark as, 164
tracing, 157
types of, 155–156
Exclusionary rule
defined, **456**
rules regarding, 456
Expectation of privacy, 256
Exploratory spatial data analysis (ESDA), 386
Expressive crowd, 76
Extensible Markup Language (XML), 312
Eye contact, 372–373

F

Fact finding, 216
Fare v. Michael C., 194
Father of modern policing. *See* Peel, Sir Robert
Federal Bureau of Investigation (FBI)
branches of, 424–427 (*See also* specific branches)
forensic laboratory, 162–163
Questioned Documents Unit, 144
Uniform Crime Report, 26
Federal Hate Crime Statistics Act, 373
Federal On-Scene Coordinators (FOSC), 417
FEMA (Federal Emergency Management Agency), 419–424
Female gangs, 321–322
involvement in Indian-Country gangs, 322
Female offender, and sexual misconduct allegations, 73
Ferguson v. City of Montgomery, 359
Fibers, 151
FI card. *See* Field interview (FI) card
Field force, 78
Field interview, **66**, **182**–183
Field interview (FI) card, 220, 221
Field notes
defined, **71**
importance of, 71
Field testing, narcotics, 165–166
Field training officer (FTO), 15
Fifth Amendment, 163
and nontestimonial evidence, 207
restrictions on questioning, 189–190
Fingerprint evidence
defined, **158**
handling, 159
lifting procedures, 159
types of, 158
Fingerprints, 141, 142
Firearm evidence, 162–163
gunshot residue, 164
identification of, 163–164
First aid, 72
First Amendment, 281
First responding officer
defined, **140**
duties of, 139
responsibilities of, 140
securing crime scene, 143
turning over control of crime scene, 146
Fishtailing, 96
Flat organizations, 115
Fletcher, Tod, 90
Florida v. Jardines, 440
Follow-up criminal investigation, 106
Foot patrol
defined, **106**
enhancing perception of safety, 106–107
evaluation, Police Foundation and, 106
as method of patrol, 59–51
research on, 51
Force, usage of, 96–98
Force continuum, 97–98
Forensic science, 158
Formal communication, 288
FOSC. *See* Federal On-Scene Coordinators (FOSC)
Fourth Amendment, 112, 245, 246
consent to search, 450
exceptions to, 447–456
exclusionary rule, 456–458
house as protected item under, 437
lawful arrest, searches incident to, 449–450
open fields, 448–449
plain view doctrine, 448
rule of standing in, 439
searches without warrant, 447
search of parolee/person on probation, 422
stop and frisk, 262–263
student drug testing, 450, 452
warrant clause of, 443–446
France, Anatole, 266
Frankenhauser v. Rizzo, 277–280
Franks hearing, **444**
Franks v. Delaware, 276, 441, 444
Frazier v. Cupp, 205–206, 275
Freebasing, 328
Freeman v. State, 205
Frequency, radio communication, 295
Frisk, defined, **219**
Fruit of the Poisonous Tree Doctrine, 458
Frye, Marquette, 351

G

Galberth v. United States, 255
Gallagher v. Commonwealth, 338
Gang graffiti, purpose of, 125–126
Gangs, 315–317
activity signs, youth involved in, 325
anti-gang legislation, 317–318
anti-gang tactics, 317
communications, 327
criminal, 315
delinquent, 316
documentation as, 315
drugs and, 344
female, 321–322
foreign law enforcement efforts to combat, 321
Hispanic (*See* Hispanic gangs)
Indian Country, 322
and military, 326–327
national (*See* National gangs)
outlaw motorcycle, 323
prosecution of, 318–319
structure and activities, regional differences in, 316
and technology, 327
and weapons, 327
youth joining, 316
Geographic information systems (GIS)
defined, **384**
usage of, 386–387
Georgia v. Randolph, 451
Geospatial Repository for Analysis & Safety Planning (GRASP), 391
Ghetto, **349**
Giglio v. United States, 13
GIS. *See* Geographic information systems (GIS)
Glass evidence, 161
Goldstein, Herman, 111–113
Gooding v. United States, 445
Graffiti
defined, **125**
gang-related, 125
protecting property from, 126
tagger, 125–126
Graham v. Connor, 463
GRASP. *See* Geospatial Repository for Analysis & Safety Planning (GRASP)
Gratuities, personal, 271–272
Green v. State, 202
Greiner v. City of Champlin, 463

Grid search method, 152, *152*
Griffin v. Maryland, 470
Griffith, David, 292
Grossman, Dave, 87–88
Group A offenses, NIBRS, 27
Group B offenses, NIBRS, 27, 28
GSR. *See* Gunshot residue (GSR)
A Guide for Sharing Crime Maps and Spatial Data, 396
Gunpowder stains, 163
Gunshot residue (GSR), 164

H

Habeas corpus writ, 187, 188
Hagerman, Amber, 224–225
Hair evidence, 160–161
Hallucinogens, 329, 330, 332
Hamill v. Wright, 460
Handcuffing, offender, 72–73
Handwriting, as questioned document, 168
Hard of hearing citizens, communications with, 309–310
Harlow v. Fitzgerald, 459
Harris v. New York, 196
Hashish, 329
Hash oil, 329
Hate crime
  cause of, 373
  defined, **373**
  indicators, 375
  multiple-bias incident, 374
  responding, 374–375
  single-bias, 374
  types of offenders, 376–377
Hedonistic utilitarianism, 267
Helicopter, 83
Hell's Angels gang, 323
HELP file, 395
Hernandez v. City of Pomona, 461
Heroin, 329
Hierarchy of authority, 47
High-speed pursuit, 79–85. *See also* Police pursuit
  factors to consider, 80–81
Hippocrates, 328
Hippocratic Oath, 328
Hispanic gangs
  coordination and alliances, 321
  18th Street gang, 320
  identifying and distinguishing, 320–321
  Latin Kings, 320
  Mara Salvatrucha (MS-13), 320
  Sur 13, 319–320
  Sureños, 319–320
  traditional, 319
Hispanics
  communication with, 308
  population of, 352
  social space, 373
  stereotypes of, 363
Hoffa v. United States, 198
Hog-tying, 73
Holliday, George, 75
Home invasion, 128
Homelessness
  addressing problem of, 233
  defined, **232**
  statistics of, 232
Hoover, Herbert, 32
Horse patrol, 53
Hostage Rescue Team (HRT), 425
Hostages, 430
Hot spots
  crime mapping to delineate, 388
  crime theories, 398–399
  defined, 398
  patrolling, 398–399
  types of, 399
House
  as protected item under Fourth Amendment, 437
  warrantless entry into, 448–449
Howes v. Fields, 193
HRT. *See* Hostage Rescue Team (HRT)
Hudson v. Michigan, 457
"Hue and Cry," 29
Human lie detector
  clues to deception, 185–187
Human trafficking, **228**–229
Human values, 269
Hurricane Katrina, 85, 87
Hybrid gangs, 326
Hydroplaning, 95–96

I

IBIS. *See* Integrated Ballistics Identification System (IBIS)
Ice (smokable methamphetamine), 330
Illinois Criminal Justice Information Authority, 389
Illinois v. Lidster, 254–255
Illinois v. Perkins, 197
Immigrant, communication with, 307
Immunity, 207–208
  qualified, 257
Implicit bias, 366
In-car computer systems, 311
Incident data, 394
Indian Country gangs, 322
Individual characteristics, **157**, 168
Individual robbery, 128
Informal communication, 288
Information Analysis and Infrastructure Protection directorate, 417
Information gathering interview
  defined, **176**
  purpose of, 177
Ingersoll v. Palmer, 254
Injury, care for victim, 231
Inner watch, 63
In re G., 204
Interaction
  interpersonal, 186
  levels of, 182
Interdepartmental operations channel, 296
Internal affairs unit, 276–280
International Association of Ethics Trainers, 264
International Opium Convention, 340
Internet Protocol (IP), 296–297
Interrogation
  art of, 183–184
  defined, **183**
  functional equivalent of, 191–192
  law of, 187–200
  length of, 202
  and listening, 208
  location of, 191
  Miranda Myths, 184
  objectives of, 177
  principles of, 183–184
  purpose of, 177
  trickery and deceit in, 205–207
InterSubSystem Interface (ISSI), 296
Interview
  approaches to, 178–180 (*See also* specific approaches)
  art of, 177
  defined, **176**, 177
  field, 66, 182–183
  law of, 187–200
  levels of interaction, 182
  and listening, 208
  objectives of, 176
  and obtaining written statements, 181–182
  oral, 12
  police officer, checklist of, 277
  principles of, 177–182
  structure of, 180–181
  timing and setting of, 180
  types of, 177–178 (*See also* specific types)
  of witness, 178
Intimate partner violence, 216. *See also* Domestic violence
Intoxication, 337

Investigations
background, 12–13
BTK Strangler, 161–162
crime scene, 137–140
of domestic violence, 118–119
of drug activity, 122–123
follow-up, 16
hate/bias crime, guidelines for, 376
initial assessment, 146–147
preliminary (*See* Preliminary investigation)
of prowler, 220–223
recording witness statements, 287
of robbery, 128
of traffic accidents, 40, 259
Investigative stops, **182**–183
Iodine fuming, 159
Iowa Homeland Security and Emergency Management Division, 426–427
IP. *See* Internet Protocol (IP)
IP gateway, 297
ISSI. *See* InterSubSystem Interface (ISSI)

J

Jamaican gangs, 326
Johnson, Micah, 91–92
J.D.B. v. North Carolina, 183
Johnson, Samuel, 264
Johnson, Stephen, 316
Jones v. Cannon, 461
Jones v. United States, 439
JTIC. *See* Justice Technology Information Center (JTIC)
Jurisdiction, 244–245
Justice Technology Information Center (JTIC), 383
Justification, for traffic stop, 252
Juvenile offenders
handling of, 74
painting graffiti, 125

K

Kansas City Preventive Patrol Experiment, **105**
Kant, Immanuel, 267, 275
Kantian ethics, 267
Katz v. United States, 435
Kaupp v. Texas, 456
Keith, M., 271
Kelly v. Curtis, 460
Ker v. California, 449
King, Rodney, 75, 353–354
Kirk v. Louisiana, 428–429
Kisela v. Hughes, 462–463
Kuhlmann v. Wilson, 198
Kyllo v. United States, 441

L

Labeling theory, **366**
Laboratory
fire arm evidence, 162–163
submission of drug evidence to, 166
Labor trafficking, 228
Landlord training program, 38
Language barriers, 194
Lanza, Adam, 89
Laser speed detection, 40
Las Vegas Metropolitan Police Department (LVMPD), 319
Las Vegas shooting, 92
Latent fingerprints, 158
importance of, 158
lifting procedures, 159
Latin Kings, **320**
Law enforcement. *See also* Police department
agencies, number of, 4
combating gangs internationally, 315
crime mapping and, 382
data collection, 356
as function of police, 38–39
officers, deaths of, 245
principles of organization, 46
and use of force, 52–55
values, 270–273 (*See also* specific values)
Law Enforcement Assistance Administration (LEAA), 310
Law enforcement officers, 217
Legislation
anti-gang, 317–318
drug, 332–336
Le Lys Rouge (The Red Lily), 266
Levin, Jack, 376
Leyra v. Denno, 204
Liability
and police canine usage, 94
pursuit, 80–81
LIDAR (light distance and ranging), 40
Lieutenants, 17, 19
Lindsey v. Storey, 461
Line-level supervision, 55–56
Listening
and conflict resolution, 215
during interview/interrogation, 208
Listening for comprehension, 208
Location
on crime map, 382, 384
recovery, 389
Logical approach. *See* Sympathetic/logical approach
Lo-Ji Sales, Inc. v. New York, 444
London Metropolitan Police Act, 29
Long-range photographs, 149, 150
Los Sureños. *See* Sur 13 gang
Lost property, 236
LSD. *See* Lysergic acid diethylaminde (LSD)
Lysergic acid diethylaminde (LSD), 329
Lying, 273–276
in courts, 275–276
defined, 274
justifying, 274–275
Lying: Moral Choice in Public and Private Life, 273

M

MADD (Mothers Against Drunk Driving), 260
Magistrate, 147
Major Event Team (MET), 427
Major outlaw motorcycle gangs, **323**
Malfeasance, **276**
Malloy v. Hogan, 189
Management
beat test, 64
middle-level, 55
police operations, 55–56
upper-level, 55
values, 270
Management tools, 270–271
Manual for Police of New York State, 176, 180, 181, 430
Mapping and Analysis for Public Safety (MAPS) program, 383, 385, 387, 395
Mapp v. Ohio, 441, 456
Mara Salvatrucha (MS-13) gang, **320**
Marijuana, 328, 329
Marine patrol, 53
Maritime Transportation Anti-Terrorism Act of 2002, 412–413
Marjory Stoneman Douglas High School shooting, 89–90
Mass arrest, 78
Massey, M., 269
Mass murder, 88
Mass shootings, 87–92
Massiah v. United States, 198
Mathis v. United States, 198
Mateen, Omar, 89
McCalvin v. Yukins, 204
McCarthy v. De Armit, 443
McDevitt, Jack, 376
McNeil v. Wisconsin, 195
MDT. *See* Mobile data terminal (MDT)
Media, crime scene and, 342
Medical examiner, 395
Medical screening, 13
Melendres v. Arpaio, 358

Melting pot, **350**
Mentally ill person, 231–232
Mescaline, 330
Messerschmidt v. Millender, 462
MET. *See* Major Event Team (MET)
Methadone, 260
Methamphetamine, 329
Mexican-Americans and zoot suit riots, 352
Mexican Brown, 331
Mexican Transnational Criminal Organizations (MTCOs), 344
Michigan v. Sitz, 254
Michigan v. Tucker, 196
Michigan v. Tyler, 448
Middle-level management, 55
Mid-range photographs, 150, 151
Military, gangs and, 326–327
Mill, John Stuart, 267
Mincey v. Arizona, 448
Minnesota Multiphasic Personality Inventory (MMPI), 12
Minority citizen
  police relations with, 354, 355–356, 360, 362, 371 (*See also* Police-minority relations)
Miranda Myths, **184**
Miranda v. Arizona, 184, 189
Miranda warnings, 191
  exceptions to, 196–198
  language barriers and, 194–195
  mechanics of, 192
  requirements, Congress overturning, 198–200
  suspect invoking, 195–196, 198
Misconduct
  reporting, 280
  sexual, 73
  types of, 276
Misfeasance, **276**
Missing children, 223–211
  AMBER Alert, 224
  juvenile procedures, 226
  statistics of, 223
Missing Person File Data Collection/ Entry Guide, NCIC, 224
Missing persons/adults
  defined, 226
  recovery of, 227
  responding to, 223–224
Mission offenders, 376–377
Missouri v. McNeely, 436–437
Missouri v. Seibert, 196
Mitchell, Arnold, 269
Mobile data terminal (MDT)
  benefits of, 387
  defined, **220**
Modus operandi (MO), **137**
Money
  contaminated, handling, 167
  as evidence, 166
  packaging of, 166–167
Monohydrochloride, 331
Monroe v. Pape, 459
Moral development, **268**–269
Morality, 264. *See also* Ethics
Morphine, 329
Motorcycle patrol, 52
Motorized patrol, 106
Mounted horse patrol, 53
MS-13 (Mara Salvatrucha) gang, **320**
MTCOs. *See* Mexican Transnational Criminal Organizations (MTCOs)
Muehler v. Mena, 446
Multi-agency law enforcement operations, 49
Multiculturalism, **350**
Multicultural training, 369–370
Municipal law enforcement agency patrol section, 26
Murray v. United States, 458

N

NAD. *See* National Association of the Deaf (NAD)
NAGIA. *See* National Alliance of Gang Investigators Associations (NAGIA)
Narcotic analgesics, 329, 330, 332
Narcotic offenses, **328**
Narcotics drugs, 340
Narcotics field testing, 165–166
Narrative reports, 145, 147
National Association for the Advancement of Colored People (NAACP), 367, 369
National Association of the Deaf (NAD), 309
National Association of Town Watch, 39
National Commission on Law Observance and Enforcement, 32
National Crime Information Center (NCIC), 224
  Missing Person File Data Collection/ Entry Guide, 224
National gangs, 323
  Asian gangs, 325
  Bloods, 324
  Crips, 323–324
  Dominican gang, 325–326
  hybrid gangs, 326
  Jamaican gangs, 326
  Skinheads, 324–325
  Somali, 325
National Gang Threat Assessment, 321
National Highway Traffic Safety Administration (NHTSA), 303
National Incident Based Reporting System (NIBRS), 26, 27
  Group A offenses, 27
  Group B offenses, 27
National Institute of Justice (NIJ), 280, 383
  MAPS program, 385
  website on police operations, 386–387
National Law Enforcement and Corrections Technology Center-Rocky Mountain Region (NLECTC-RM), 391
National Law Enforcement And Corrections Technology Center (NLECTC) System, 383
National Night Out program, 39
National Oceanic and Atmospheric Administration (NOAA), 418
National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 417
National Response Center (NRC), 418
National Response System (NRS), 417–418
National Response Team (NRT), **418**
National Security Branch (NSB), 424
National Sex Offenders Data Base, 64
Native-American gangs, 345
Natural access control, 121
Natural surveillance, 121
NCIC. *See* National Crime Information Center (NCIC)
NCP. *See* National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
Neighborhood check, 146
Neighborhood Nuisance Program, 39
Neighborhood theories, 399
Neighborhood watch, **38**–39, 260
Nevada Gang Prosecution Unit, 318
Newark Foot Patrol Study, 106–108
News media, 145–146
New York
  Community Patrol Officer Program (CPOP), 132
  fight against terrorism, 414
New York City Police Department (NYPD), 415–416, 464
New York v. Quarles, 197
NIBIN. *See* National Integrated Ballistics Information Network (NIBIN)
NIBRS. *See* National Incident Based Reporting System (NIBRS)

Nicholson v. State, 202
Niemann, Albert, 328
NIJ. *See* National Institute of Justice (NIJ)
9-1-1 communication, 361
  enhanced, 297
  FCC recommendations for public use of, 304
  procedure for answering calls, 306–307
  wireless services, 304–305
NLECTC-RM. *See* National Law Enforcement and Corrections Technology Center-Rocky Mountain Region (NLECTC-RM)
NOAA. *See* National Oceanic and Atmospheric Administration (NOAA)
Nondirective approach
  advantages of, 178
  defined, **178**
  disadvantages of, 179
Nonfeasance, **276**
Non-native English speakers
  communication with, 307–308
  tips for officer being understood by, 308–309
Nontestimonial evidence, 207
North Carolina v. Butler, 194
NRC. *See* National Response Center (NRC)
NRS. *See* National Response System (NRS)
NRT. *See* National Response Team (NRT)
NSB. *See* National Security Branch (NSB)
NSF. *See* Coast Guard National Strike Force (NSF)
Nuisances, 39

O

Off-duty employment, 276
  assessment and stages of, 18–19
  causes of, 20
  prevention and reduction, 21
  shift work, 19
Off-duty employment, 276
Offenders
  apprehension, guidelines for, 71–72
  handcuffing and searching, 72–73
  juvenile, 74
  reentry, crime mapping and, 389–390
  transporting, 73–74
  types for hate/bias crime, 376–377
Offenses
  Group A, 27
  Group B, 27
Office of Community Liaison (OCL), 427
Office of Community Oriented Policing Services, 109
Olmstead v. United States, 446
OMGs. *See* Outlaw motorcycle gangs (OMGs)
Open fields, 448–449
Open system, police departments as, 50
Operations Support Branch (OSB), CIRG, 424
Opiate, 333
Opium, 333, 334
Opium poppy, 333
Opportunity, criminal, 121, 122
Oral interview, 12
Order maintenance, 212–213
Oregon v. Hass, 196
Oregon v. Mathiason, 192
Organizational change, **114**–116
Organizational charts, 50
Organizational culture, **271**
Organizational transformation, 114
Organizations
  flat, 115
  line, 115
  military style, 32, 47
  principles for law enforcement agencies, 46
Orozco v. Texas, 192
Ortiz v. State, 205
Outlaw motorcycle gangs (OMGs), 323, 326
Outline format, of report writing, 288–291
Overall photographs, 150

P

Pachucos, 352
Paddock, Stephen, 92
Pagans gang, 323
Pagourtzis, Dimitrios, 88–89
Paint evidence, 161–162
Pappas v. Giuliani, 464
Paramilitary system, 47
Partnership, community, **110**–111
Passengers, 251
Patrol car, 33
  inspection of, 64
Patrol officer. *See also* Police officer; Police patrol
  responsibility of, 64, 70
Patrol vehicle, 251
Pattern, crime map, 384
Payne v. Arkansas, 203
Payton v. New York, 439, 448, 451, 455
PCP. *See* Phencyclohexyl piperidine (PCP)
Peacekeeping, 212
Peel, Sir Robert, 29–30
  police reform, 29
  principles of policing, 29–30
Peelers, 29, 30
The Peelian Reform, 29
Pennsylvania v. Mimms, 453
People v. Afieri, 206, 275
People v. Brueseke, 184
People v. Duran, 195
People v. House, 202
People v. Jones, 201
People v. Logue, 454
People v. Missin, 202
People v. Munoz, 195
People v. Murtishaw, 202
People v. Russo, 195
People v. Smith, 195
People v. Superior Court, 445
People v. Zolnay, 195
Per curiam, **439**
Perry v. State, 205
Persian Heroin, 331
Personal gratuities, 271–272
Personality, authoritarian, **365**
Personal theft, 25
Peyote, 329
Phencyclidine Cannabis, 329
Phencyclohexyl piperidine (PCP), 331
Phonetic alphabet, **299**–**300**, 301
Photographing, crime scene, 149–151
Photo radar, 40
Physical ability testing, 11
Physical abuse, 118–
  children, 231
Physical evidence, 154–155, 168
PIAT. *See* Coast Guard Public Information Assist Team (PIAT)
Pitt, William, 437
Place theories, **398**
Plain language, 300–302
Plain view doctrine, 448
Planning, for handling of demonstrations, 76
Plastic fingerprints, 158
Pluralism, **350**
Pocket picking, 25
Police, use of body cameras, 281–282
Police agency, Weber's theory to, 47
Police canine
  advantages of, 93
  breeds of, 93
  defined, **92**
  duties of officers using, 93–94
  unit, developing guidelines, 93

Police car
driving code three, 94–95
as method of patrol, 44
Police crackdown, 395
Police department
chain of command, 47–48
challenges of public safety and welfare, 26
Civil Rights violations, 354
communications systems, 311–312
computerizing, 310–311
decentralizing operations, 50
influence of English policing system on, 28–36
liability from pursuit, 80–81
number of officers in, 27
as open systems, 50
operating budget, 28
organizational culture, 271
organizational features of, 46–50
representation of minorities in, 370
size of, 55
specialized units, 44
Police Executive Research Forum, 355, 371
The Police Foundation, 51
and foot patrol evaluation, 106
Police language, 294–295
Police–minority relations, 361–363
citizen police academies and, 368
community contacts and, 369
community policing and, 366–368
courtesy and professionalism, 371
cultural diversity training and, 369–370
improving, 366–368
relationship building, 368–369
representation of minorities in police departments and, 370
Police officer, 260
activity log, 70
administrative tasks, 70
attitude of, 132
badge for, 28
citizen contacts, 238–239
and community policing strategy, 33, 70
as crime fighter, 35
crime-fighting role of, 211–212
culturally competent, 371–372
cynicism, 19
defined, **8**
driving code three, 94–95
drug testing of, 342–343
and ethics, 270
field notes (*See* Field notes)
first responding (*See* First responding officer)
function of, 211–213
handling offenders, 71–74
inspection of suspicious places, 34–35
interview checklist, 178–277
and investigation of prowler, 220–223
and knowledge of persons, 64–66
negligent hiring, 465
obligations for domestic violence, 216
perceptions of, 3
during Political Era, 25–26
procedures for responding to hate crime, 374–375
requesting other units, 69
responsibilities, 16–17, 19, 25–26
role in community policing, 104–105
safety of, 213, 217
self-protection, 141–142
stereotyping, 366
and suspicious character calls, 219–220
sworn, 11
terrorism and, 130, 405
training of, 5, 15, 351, 369–370
turning over control of crime scene, 146
uniform and equipment, 62
working with citizens, 111
Police patrol
aircraft patrol, 52–53
aircraft speed surveillance, 19
allocation of personnel, 53–54
average speed calculator and recorder, 41
bicycle patrol, 52
crime control, 36–37
crime prevention, 37–38
development of, 28–31
directed, 44
effectiveness of, 42
foot patrol, 50–51
initial response, 139–141
landlord training, 38
laser speed detection, 40
management and supervision, 55–56
motorcycle patrol, 52
motorized patrol, 51
mounted horse patrol, 53
National Night Out, 39
Neighborhood Nuisance Program, 39
neighborhood watch, 38–39, 44
photo radar, 40
problem solving, 39–40
purpose of, 36–42
radar speed detection, 40
responsibility of, 26
roadside electronic signs, 41
role in preliminary investigation, 139–146
single-officer unit *vs.* two-officer unit, 51–52
traffic responsibilities, 40
water/marine patrol, 55
Police pursuit
aspects to be scrutinized, 83
defined, 79
helicopter support, 83
liability issues, 80–81
manual for police of New York State, 176
procedure for, 81–83
tire deflation device, 83–85
Police ranks
captain, 17–18
chief of police, 18
corporal, 16
deputy police chief, 18
detective/investigator, 16
lieutenant, 17
police chief, 18
sergeant, 16–17
Police traffic control, 244
Police training. *See* Training
Policing
approach to violent crime, 25
British style of (*See* English policing system)
coactive, 44–46
community-oriented, 33–36, 34t
conclusions on, 33
objectives of, 41
Peel's principles of, 29–30
Political Era, 31
proactive, **44**
reactive, **44**
reform, 32
Reform Era, 31–33
reform model of, 32–33
Political corruption, 31
Political Era, **31**
Polygraph (lie detector), **184**–185
Polygraph testing
for employment, 12
Population Reference Bureau, 350
Positional asphyxia, **73**
Position descriptions, 50
Postconventional stages, moral development, 268–269
Post-traumatic stress disorder (PTSD), 20

Powell v. Alabama, 187
Precision Intervention Technique (PIT) maneuver, 256
Preconventional stages, moral development, 268
Pre-employment polygraph screening, 12
Prejudice, **364**
Preliminary investigation
  defined, 139
  role of police patrol in, 139–146
Preliminary report, **70**
Pretextual stops, 360
Preventive patrolling, 87
  basis of, 42
  effectiveness of, 42, 105
Principle of veracity, **274**
Prisoners. *See* Offenders
Prison gang, 326
Privacy approach, search, 435
Proactive policing, **44**
Probable cause
  defined, **71**, 277
  issuance of warrant based on, 443–444
  searches and arrests, 443
Problem solving
  assumptions of, 112
  concerns of, 112–113
  defined, **39**–**40**, **111**
  goal of, 111
  SARA model, 111, 121
  steps in, 111
Problem solving interviews, **177**
Processing site, 78
Processing teams, 78
Professional model of policing, 36
Project 25 (P25), 296, 297
Promises, and confession, 205
Proof beyond a reasonable doubt, **139**
Property
  abandoned vehicles on, 234
  crime, 113
  lost, 236
  stolen, 236–237
  victimization, 25
Prosecution, gang, 318–319
Prowlers investigation of, 220–222
  laissez-faire attitude towards, 220
  tips for checking, 222
Proximity, 389
PSA. *See* Prostate specific antigen (PSA)
Psychological abuse, 119
Psychological assessment, 12
Psychological coercion, 202–205
Public drunkenness, 337
Public Safety Answering Point (PSAP), 297, 304
Purse snatching, 25

Q

QDE. *See* Questioned document examination (QDE)
Qualified immunity
  and search warrant execution, 461
Questioned documents, 168
Questioning
  and conflict resolution, 215
  law enforcement, Sixth Amendment, 188
  restrictions on, Fifth Amendment and, 189–190

R

Racial profiling, **356**–**357**
  selected cases, 358–359
Racism, **365**
Radar speed detection, 40
Rader, Dennis L., 137–138
Radio communication, 295–303
  call signs, 299–300
  channels and, 296
  crime broadcasts, 302
  frequencies of, 295
  interdepartmental operations channel, 296
  plain language, 300–301
  procedures for, 297–298
  spectrum allocation/regulation, 295–296
  status codes, 298
  Voice over Internet Protocol, 296–297
Radio spectrum, **295**, **312**
Radio waves, **295**, **312**
Rakas v. Illinois, 438
Random arrangement, crime map, 386
Rape kit, for sexual assault evidence, 160
Rapid response, 106
Rattle watch, 29
Reactive offenders, 376
Reactive policing, **44**
Reasonable expectation of privacy, 435
Recruitment process
  background investigation, 12–13
  medical and drug screening, 13
  of minority police officers, 370
  oral interview, 12
  overview of, 10
  physical ability testing, 11
  polygraph testing, 12
  psychological assessment, 12
  written exam, 11
Red tape, 46
Reentry Mapping Network (RMN), 390
Reform Era, **31**–33
  citizens during, 35
Reform model of policing, 32
  characteristics of, 32
Regional Response Team (RRT), 418
Repeat calls, 237–238
Repeat victimization theories, **399**
Reporting Person, **224**
Reports
  chain of custody (*See* Chain of custody)
Report writing
  accuracy in, 290
  chain of custody, 155
  communication by email, 288–289
  general rules for, 289–290
Response, 111, 112, 238
Restraint asphyxia, **73**
Rhode Island v. Innis, 191
RICO predicate act, **318**
Riggan v. Virginia, 441
Right to counsel, Sixth Amendment, 187–189
Riot
  defined, **77**
  Detroit, 352–353
  Rodney King incident, 353–354
  Tulia, Texas, 353
  Watts, 77, 351–352
  zoot suit, 352
Risk assessment, **411**
RMN. *See* Reentry Mapping Network (RMN)
Road rage, **236**
Roadside electronic signs, 41
Road spikes, 85
Robbery, **128**–130. *See also* specific types
  investigation of, 128
Rogers v. Richmond, 201
Rorschach inkblots, 12
Routine activity theory, 113
RRT. *See* Regional Response Team (RRT)
Runaway children
  juvenile procedures, 226
  statistics of, 223

S

Sabbath v. United States, 445
Safety, police officer, 213, 221, 252
Salinas v. Texas, 191

Saliva evidence, 160
San Diego Association of Government (SANDAG), school database, 395
Sandy Hook Elementary School shooting, 89
Santa Fe shooting, 88–9
SARA (Scanning, Analysis, Response, Assessment) model, 111–112, 121, 238
Scanner, silent, 298–299
Scanning, 111, 112, 238
Scapegoating, **365**
Schedules, controlled substances, 334–336
Schneider v. City of Grand Junction Police Dept., 465
School COP (School Crime Operations Package) Program, **386**, 391
Science and Technology directorate, 417
Scott v. Harris, 256
Scott, Timothy, 256
Scott, Walter, 354
Searches
  consent to, 147, 450
  crime scene (*See* Crime scene search)
  defined, 435
  incident to lawful arrest, 449–450
  of offender, 71–72
  of parolees/persons on probation, 449
  privacy approach, 435
  restrictions, Fourth Amendment and, 434
  warrantless, 447
Search warrant
  defined, **147**
  execution of, 444–445, 461
  Fourth Amendment and, 147
Section, defined, 49
Seizure, 192. *See also* Searches
Selection type interview, **177**
Self-fulfilling prophecy, **364**
Seminal stains evidence, 160
Sergeants
  chain of command, 47–48
  duties of, 56
  facilitating squad meeting, 63
  line-level supervision, 55–56
Serial killer, 88
  Rader, Dennis L. (BTK Strangler), 137–138
  Washington, Joseph Patrick, 156
Serial offender, tracking of, 389
Service-related calls
  dispute, 213–218
  human trafficking, 228–229
  missing adults/persons, 226–227
  missing/runaway children, 223–226
  and police officer's role, 211–213
  prowlers, 220–223
  suspicious character calls, 219–220
  welfare checks, 229–231
Setting, of interview, 180
Sex trafficking, 228–229
Sexual abuse, 119
Sexual assault evidence, 160
Sexual misconduct, allegations of, 73
Sherman, Lawrence, 34
Shift, defined, 49
Shot pattern test, 164
Signals, and traffic control, 248
Signs, gang activity, 317
Silent scanners, 298–299
Silverman v. United States, 441
Single-officer unit, 51–52
Sniper incidents, 91–2
Sixth Amendment
  law enforcement questioning, 188
  and nontestimonial evidence, 207
  right to counsel, 187–189
Skidding, 96
Skinheads gang, 324–325
Smith v. Freland, 463
Smith v. Maryland, 447
Social prejudice, 364
Social service, 32
Social space, 373
Somali gang, 325
Southern Poverty Law Institute, 374
Spanish, survival, 308–309
Span of control, 49
Spano v. New York, 202–203, 275
Spatial and Temporal Analysis of Crime (STAC) program, 389
Specialized tactical team, 54
Spectrum allocation/regulation, 295–296
Speedballing, 328
Speed detection
  methods of, 40–41
Spike sticks, 83–85
Spiral search method, 153, *154*
Spree killer, 88
Squad meeting, 63–64
STAC program. *See* Spatial and Temporal Analysis of Crime (STAC) program
Stafford Disaster Relief and Emergency Assistance Act, 420
Stalled vehicles, 235–236
Standard operating procedure
  to answer crime calls, 67
  defined, **60**
  for domestic violence, 39
  driving code three, 95–96
  for using police canine, 92–94
Standing, **438**, 439, 449
Stanford v. Texas, 441
State v. Allen, 198
State v. Harvey, 203
State v. Herrington, 202
State v. Johnson, 184–185
State v. Seablom, 204
State v. Wallace, 201
Status code, 298
Status offender juvenile, **224**
Stereotyping, **363**
Stolen property, 236–237
Stop
  and frisk, 452–453
  location of, 250
  and making contact, 250–251
  traffic, 252
Stop teaching our kids to kill: A call to action against TV, movie, and video game violence (Grossman and DaGaetano), 87–8
Street theories, **399**
Strip search method, 151, *152*
Strong-armed robbery, 128
Student Athlete Drug Policy, 450, 452
Substation, police, 50
Supreme Court
  Fourth Amendment, 439, 457
  case study, 441–442
Supervision
  line-level, 55–56
  police operations, 55–56
Sureños gang, migration of, 319
Sur 13 gang, 319–320
Survival Spanish, 308–309
Suspect, arrest of, 141, 143
Suspicious character calls, 219–220
  tips for checking, 222
Suspicious places
  inspection, by police officer, 66–67
SWAT (Special Weapons and Tactics Team), 54
Sympathetic/logical approach, 179

T

Tactical communication, 214–215
Tactical team, specialized, 54
Tagger graffiti, 125–126
Tagger language, 127
Target hardening, 122
Tasers, 98

Taylor v. United States, 441
Technology, gangs and, 327
  Facebook, 327
  YouTube, 327
  Instagram, 327
  Twitter, 327
Telecommunication device for the deaf (TDD), 309
Telephone communication, 303–307
Tennessee v. Garner, 463
Territorial reinforcement, 121
Terrorism
  alerts, 406–407
  bomb threats, 429–430
  community policing and, 130–131
  defined, 130, **405**
  fight with, rules for, 405
  hostages, 430
  myths about, 404
  New York City's fight against, 414
  and police officers, 405
  threats, assessment of (*See* Threat assessment)
  war on, 405
Terrorism Quick Reference Card, 406
Terry stop, **453**
Terry v. Ohio, 66, 182, 219, 358, 452, 456
Testimonial evidence, **157**
Tetrahydrocannabinol (THC), 332
Texas v. Brown, 448
Texas Vehicle Code-Emergency Vehicle Operations, 95
Theft, 25
Thompson v. Louisiana, 441
Threat assessment, 407–408
  criticality, calculating, 408–409
  defined, **407**
  risk assessment, 411
  vulnerability assessment, 409–411
Thrill-seeking offenders, 376
Time series data, 392–393
Time series forecasting, 393
Timing, of interview, 180
Tire deflation device, 83–85
Tool mark, as evidence, 164
Toomer v. State, 202
Tour of duty, preparation for, 61–63
TPS. *See* Temporary Protective Status (TPS)
Trace/Tracing evidence **157**
  packaging and storage of, 16
Traditional policing
  assumptions of, 106
  vs. community policing, 108–109, 109t
Traffic
  directing, 246–249
  enforcement, motorcycle patrol and, 52
  high-speed pursuit, 79–85
  police patrol responsibilities, 40
  stalled vehicle in, 236
Traffic accidents, 259–260
  due to driver behavior, 260
  investigation of, 40, 259
  occurrence of, 259
Traffic citation, 25
Traffic control, 268
Traffic enforcement, patterns of, 244
Traffic laws/ordinances, 259–260
Traffic stop, 249–252
  goal of, 249
  justification for, 252
  and making contact, 250–252
  officer safety in, 252
  preparing for, 249–250
Traffic stops, data collection, 359–360
Traffic ticket, 258–259
Traffic violations, 258–259
Training
  cultural diversity, 369–370
  of police officer, 14, 30
Tranquilizers, 329, 330
Transactional immunity, 207
Transmission Control Protocol/Internet Protocol (TCP/IP), 311
Transportation
  of offender, 73–74
  patrol car, 51
Transportation Security Agency (TSA) checkpoints, 253
Trautman, Neil, 264
Trickery, in interrogation, 205–206
Trinitarios gang, 325–326
Trulock v. Freeh, 451
Tulia, Texas, 353
Tunnel vision, 95
Two-officer unit, 51–52
Two-way communications, 292

U

Undisputed right, 194
Uniform, departmental regulations for, 62
Uniform Controlled Substances Act, 332–333
  schedules, 334–336
Uniform Crime Report (UCR), **26**–27
Uniform pattern, crime map, 386
Unit, defined, 48
United States v. Berkeness, 441
United States v. Brignoni-Ponce, 255
United States v. Calandra, 439
United States v. Castorena-Jaime, 194
United States v. Dunn, 437
United States v. Freitas, 445
United States v. Heitner, 444
United States v. Huguenin and Martin, 255
United States v. Jackson, 203
United States v. Lee, 448
United States v. Lindsay, 455
United States v. Mark B. Harris, 455
United States v. Martin, 461
United States v. Martinez-Fuerte, 253
United States v. Mathis, 446
United States v. Miller, 358
United States v. Morales, 196
United States v. North, 207
United States v. Ortiz, *254*
United States v. Patrone, 196
United States v. Patterson, 196
United States v. Pruitt, 359
United States v. Robertson, 445
United States v. Santana, 449, 455
United States v. Short, 195
United States v. Stanert, 444
United States v. Tingle, 204
United States v. Tracy, 445
United States v. Villalba-Alvarado, 196
Unity of command, 48, 49
Univariate forecast, 393
Upper-level management, 55
Upward communication, 288
Urban League, 367, 369
U.S. Congress
  and Miranda requirements, 198–200
U.S. Constitution
  Fifth Amendment, 187
  First Amendment, 464
  Fourth Amendment (*See* Fourth Amendment)
U.S. Housing and Urban Affairs, 232
U.S. Housing and Urban Development (2017), 233
U.S. v. Roberson, 358–359
Use and derivative use immunity, 207
Utilitarianism, **267**

V

Values, 269
  conflict among, 269
  defined, **269**
  law enforcement, 270–273
  validity of, 269
Varieties of Police Behavior (Wilson), 212

Vehicles
abandoned (*See* Abandoned vehicles)
drunk driving, 337
stalled, 235–236
stops, 250
warrantless searches of, 447
Vernonia School District 47J v. Acton, 450
Victim
caring for injured, 142–143
mentally ill as, 231–232
Victimization, property, 25
Violent crime, 25
approach to policing, 33
mentally ill as victim of, 231
Uniform Crime Report, 26
Virginia Declaration of Rights, 189
Virginity test, police officer, 265
Visible fingerprints, 158
Voice over Internet Protocol (VoIP), 296–297
Vollmer, August, 8, 32
Voluntary confession, 200–207
burden of proof and, 202
judicial decisions on, 201–202
length of interrogation and, 202
promises and, 205
psychological coercion and, 202–205
Volunteerism, 366–367
Vulnerability, levels of, 409–411
Vulnerability assessment, **409**–411

W

Walking, 62
Walk-through, of crime scene, 147–148
Warden v. Haden, 449
Warden v. Hayden, 455
Warrant
arrest, 454
cases permitting entry into home without, 448–449
defined, **66**
Fourth Amendment clause, 443–445
issuance on probable cause, 443–444
magistrate' duties in issuing, 444
search (*See* Search warrant)
searches without, 447
Warth v. Seldin, 438
Washington, Joseph Patrick, 156
Watch, defined, 49
"Watch and ward," 29
Watch commander, 48
Water patrol, 53
Watts Riot, 77, 351–352
Watts v. State, 202
Weapons
as evidence, 162–163
gangs and, 327
Weather and natural disasters, 85–87
factors for responding, 85–87
recovery from, 87
victims of, 87
Weber, Max, 46
Weber's theory, to police agency, 46–47
Weeks v. United States, 441, 456
Welfare checks, 229–230
of children, 230–231
Welsh v. Wisconsin, 441
Wheel search method, 154
Whisenand, P., 269
Whitmore v. Arkansas, 438
Wickersham Commission, 31, **32**
Willis v. State, 206
Wilson, Orlando Winfield "O.W.", 32, 37
Wilson v. Layne, 445
Wilson v. State, 460
Witness
interview of, 178
Wong Sun v. United States, 458
Wooden rattlers, 29
Wright v. State, 205
Writ of certiorari, 439
Writ of habeas corpus, 186
Written exam, 11
Written statements, 181–182

X

XML (Extensible Markup Language), 312

Z

Zero tolerance, **239**
Zone search method, 153, *153*
Zoot suit riots, 352

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ISBN-13: 978-0-13-518629-9
ISBN-10: 0-13-518629-3